United Nations S/2012/352

Security Council

Distr.: General
23 May 2012

Original: English

Letter dated 22 May 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

I regret to inform you that I have received reports today that the Republic of Sudan conducted aerial bombardments on 21 and 22 May inside South Sudanese territory, in the locality of Warguet in Northern Bahr el Ghazal state. Additionally, on 15 May, Sudan Armed Forces and militia forces launched a ground attack on the village of Wadakona in South Sudan's Upper Nile state.

These attacks suggest that the Republic of Sudan is seeking once more to undermine the ongoing efforts of President Thabo Mbeki to reconvene the parties for the negotiations mandated by the Security Council in its resolution 2046 (2012). My Government has already declared its willingness to restart negotiations immediately and without preconditions, in full respect of the timelines determined by the African Union and endorsed by the Security Council. We are concerned that the Republic of Sudan is trying to delay the process by insisting that the parties should agree on the agenda prior to the resumption of talks. When President Salva Kiir received President Mbeki in Juba this week, he reiterated South Sudan's position that talks should restart immediately, and further invited President Mbeki to issue a detailed agenda to the parties. In the meantime, we respectfully ask the Security Council to condemn the Sudan's continued acts of aggression and to repeat its demands that aerial bombardments of South Sudan by Sudan stop immediately and that the parties return to negotiations.

I would be most grateful if this letter could be circulated to the members of the Security Council as a document of the Council.

(*Signed*) Francis **Nazario**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

12-34992 (E) 240512

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United Nations A/66/814–S/2012/353

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Security Council

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30 May 2012
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General Assembly
Sixty-sixth session
Agenda item 83
The rule of law at the national and international levels

Security Council
Sixty-seventh year

Identical letters dated 22 May 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I write further to the numerous letters we have addressed to you on the subject of the reform measures that have been taken by the Government of the Syrian Arab Republic since the current crisis began in Syria, which have brought real and perceptible change in the situation that cannot be ignored by any objective observer. Those reforms culminated in the holding in Syria on 7 May 2012 of multi-party parliamentary elections, in an atmosphere of transparency, impartiality and freedom. With respect to those elections, I should like to bring to your attention the following:

1. While the history of the Syrian People's Council or Parliament goes back to the early twentieth century, the recent elections had a particular significance that made them unique. They were held in accordance with the new Constitution of the Syrian Arab Republic, which was approved by a plebiscite held on 28 February 2012. That Constitution guarantees that the modern democratic Syrian State will be governed by the rule of law and its citizens, and that all citizens will be equal. There will be political plurality, general rights will be protected, and authority will be democratically exercised through the ballot box. The Constitution includes fundamental amendments, including the removal of article 8 of the earlier Constitution, that referred to the role of the Ba'ath party in the State and society. It also included important articles that took into consideration the reforms that have been undertaken in the field of human rights, and the numerous international commitments that Syria has honoured as part of the United Nations human rights framework.

2. The recent parliamentary elections in Syria, of which the results were announced on 15 May 2012, were held in accordance with a new electoral law that adopted the highest international standards. All sectors of society were guaranteed equal rights of representation, and transparency and impartiality were strictly observed, as was the right of every individual to freedom of opinion, expression, assembly and membership of a party, pursuant to the Universal Declaration of

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Human Rights, the International Covenant on Civil and Political Rights, and numerous relevant Human Rights Council and General Assembly resolutions, all of which are instruments that Syria has approved and undertaken to implement. Those elections were also conducted in accordance with the new Law on General Elections, No. 101 of 2011, which placed the electoral process under the complete supervision of the judiciary and provided that elections should be transparent and fair. Further guidance was provided by the new Law on Political Parties, No. 100 of 2011, which formulated the legislative and legal bases that govern political life and multi-party politics in Syria and relies on new and contemporary precepts with respect to the establishment of political parties and participation in the democratic process. More than 18 political parties were authorized to participate in the elections, whereas in previous parliamentary elections, only nine were involved. Recently, with a view to completing reform of the electoral process in Syria, the Supreme Constitutional Court was established.

3. A total of 5,186,957 Syrian citizens took part in the elections, representing 51.26 per cent of the electorate. Their votes were cast in secret and in an atmosphere of transparency and complete freedom, in 15 electoral districts spread throughout the country.

4. There are 250 members of the new parliament, 30 of whom are women. That testifies to the prominent position occupied by Syrian women in the political process and the economic, cultural and social spheres, albeit the elections were held in circumstances that are unprecedented in Syria. Here, we should like to point out that the Government of Syria continues to exert urgent efforts to increase the role of women in various fields.

5. Several candidates and their agents objected to the electoral process being conducted in a number of centres that did not comply with the new electoral law. Consequently, it was necessary to hold new elections in 18 centres, which meant that the results could not be declared on the date expected. That clearly shows that the electoral process was conducted in accordance with the principles of freedom, democracy, transparency and fairness.

6. Albeit the elections were held in accordance with a new set of laws that had been promulgated in response to the demands of the people, which were met with comprehensive political, economic and social reforms and the strengthening of human rights and general freedoms, certain persons did not want that process to succeed and made every effort to undermine the comprehensive reform programme by propagating extremist and Salafist ideas in Syrian society, which is pluralist, and by supporting terrorism, bearing arms with a view to killing, abducting and torturing Syrian citizens, destroying property and perpetrating all kinds of human rights violations. Here, we refer to the fact that some armed terrorist groups tried to obstruct the electoral process in some areas, by threatening and terrorizing citizens in an attempt to prevent them from taking part in the elections. At the same time, certain foreign parties that support and finance those terrorist groups took it upon themselves to run media interference through a misleading campaign on developments in the electoral process and the fabrication of misinformation, and by systematically urging that the outcome of the elections should be rejected, even before the elections were held. Nevertheless, the Syrian people rejected all that intimidation, misinformation and incitement, and responded to the voice of reform, deciding to boldly embark on the new democratic process. Given the current situation in Syria, the voter turnout was excellent.

7. The Syrian Government was determined to continue with the comprehensive reform process and, in particular, to hold the parliamentary elections on the date that had been decided, regardless of the difficult circumstances that are being experienced. That is because of its belief that the future of Syria will be fashioned by the Syrians themselves, who are the only ones capable of determining what features should characterize that future, through their participation in the reform process, which includes the choice of their representatives in the Syrian People's Council or Parliament. Notwithstanding all the outcomes, stumbling blocks and obstacles that beset the recent Syrian parliamentary elections, it remains a singular experience from which many useful lessons can be learned, and an important first step that must be built upon in following the path to reform and in any further future steps.

8. The Syrian Arab Republic wished to share this information with you in order to put you in the picture with regard to the latest developments that are taking place with regard to the democratic reform process that is being carried out by Syria despite the huge difficulties it faces because of the terrorism and violence that is being perpetrated by the armed terrorist groups, the imposition on the Syrian people of unjust unilateral sanctions, and an unprecedented media campaign of incitement and misinformation. Certain media are even supporting armed groups, taking it upon themselves to spread lies and promote violence, terrorism and the assassination of several Syrian officials. That simple example indicates the hypothetical picture that those media are attempting to paint of Syria with the support, guidance and funding of States that have become well known for their enmity towards Syria.

I should be grateful if the present letter could be circulated as an official document of the sixty-sixth session of the General Assembly, under agenda item 83, and of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Bashar **Ja'afari**
Permanent Representative of the Syrian Arab Republic
to the United Nations

United Nations S/2012/354

Security Council

Distr.: General
23 May 2012

Original: English

Letter dated 23 May 2011 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I should be grateful if you would transmit these assessments to the members of the Security Council.

(*Signed*) Theodor **Meron**
President

12-35052 (E) 040612

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Annex I

[Original: English and French]

Assessment and report of Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004), and covering the period from 15 November 2011 to 22 May 2012

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1. The present report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004 in which the Council, in paragraph 6, requested the International Tribunal for the Former Yugoslavia to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the Completion Strategy of the Tribunal, explaining what measures have been taken to implement the Completion Strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions.[1]

2. This report also includes a summary of the measures that the Tribunal is taking to ensure a smooth transition to the International Residual Mechanism for Criminal Tribunals.

I. Introduction

3. At the close of the reporting period, one individual indicted by the Tribunal is preparing for trial, 17 individuals are on trial, and 17 individuals are in appeal proceedings. With the arrests of Ratko Mladić and Goran Hadžić, there are no outstanding fugitives. To date, the Tribunal has concluded proceedings against 126 of the 161 individuals indicted by the Tribunal. It anticipates concluding all trials during 2012, except those of Mladić, Hadžić, and Radovan Karadžić, whose arrests occurred much later than those of other accused.

4. During the reporting period, the Tribunal conducted eight trials in its three courtrooms, expediting the overall pace of proceedings by assigning judges and staff to multiple cases. Two trial judgements in contempt cases were rendered.

5. Appeals from six trial judgements are currently pending before the Appeals Chamber. The judges of the Appeals Chamber also remained fully engaged in hearing appeals from the International Criminal Tribunal for Rwanda, rendering five judgements and hearing oral arguments in one additional case during the reporting period.

6. The Tribunal took all measures possible to expedite its trials, without sacrificing due process. It intensified its effort to streamline procedures and introduced a variety of reforms to improve the pace of its work. The Tribunal's trials and appeals continue to be affected by staffing shortages and the loss of highly experienced staff members. These challenges have the potential to delay the judgement completion dates set out in this report.

7. The Tribunal has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003). The Prosecutor, with the assistance of the Organization for Security and Cooperation in Europe (OSCE),

[1] The present report should be read in conjunction with the previous 16 reports submitted pursuant to Security Council resolution 1534 (2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 14 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006; S/2007/283 of 16 May 2007; S/2007/663 of 12 November 2007; S/2008/326 of 14 May 2008; S/2008/729 of 24 November 2008; S/2009/252 of 18 May 2009; S/2009/589 of 13 November 2009; S/2010/270 of 1 June 2010; S/2010/588 of 19 November 2010; S/2011/316 of 18 May 2011; and S/2011/716 of 16 November 2011.

continued to monitor the progress of the one remaining case where national judicial proceedings have not yet been completed.

8. The Tribunal undertook a variety of initiatives aimed at providing assistance and support to victims, and pursued a number of legacy and capacity-building projects. The Outreach Programme intensified its efforts to bring the Tribunal closer to communities in the former Yugoslavia. The Tribunal also worked tirelessly to ensure a smooth transition to the Residual Mechanism.

II. Measures taken to implement the completion strategy

9. In the face of many challenges during the reporting period, the Tribunal undertook a variety of reforms to improve the functioning of various sections of the Tribunal, including the staffing and work speed of drafting teams. The reforms included beginning judgement drafting earlier; embedding translators into drafting teams where appropriate; and speeding the translation of trial briefs.

10. The President of the Tribunal also facilitated the adoption of three large-scale measures to ensure that judicial proceedings are undertaken more efficiently. More specifically:

(a) The President noted that in the cases of *Prosecutor v. Jadranko Prlić et al.*, *Prosecutor v. Vojislav Šešelj*, and *Prosecutor v. Zdravko Tolimir*, delays in translating trial judgements threatened to significantly delay any appeals. On this basis, he directed the Registrar of the Tribunal to reduce projected translation times by half. Through organizational redeployment of resources and revisions of unit priorities, this goal now appears attainable.

(b) The President, with the agreement of the Security Council and the Secretary-General, interpreted relevant regulations as permitting the assignment of ad litem judges to contempt cases not ancillary to the proceedings to which the judges were appointed. This permits a more equitable distribution of workload among the judges, which speeds both contempt and substantive cases.

(c) The President obtained a waiver from the Department of Management of the United Nations Secretariat, allowing the Tribunal to hire otherwise qualified interns directly, without waiting for six months after the termination of their internship. This reform allows legal teams that face staff member attrition to immediately employ individuals who are already familiar with the complex fact patterns of particular trials or appeals.

11. As additional illustration of the steps taken by the Chambers to guarantee that proceedings are conducted in a manner that is both expeditious and fair, brief summaries of cases currently before the Tribunal are provided below. Where previously reported projections for judgement delivery have been revised, the unforeseen factors that led to that revision are set out.

A. Pretrial proceedings

12. The case of *Prosecutor v. Goran Hadžić* was anticipated to commence in January 2013 but the trial is now scheduled to commence on 16 October 2012, approximately three months earlier than previously predicted. Pretrial preparations

have progressed faster than expected owing to adoption of efficient staff working practices and the agreement of the judges to prioritize work on this case. The accused was arrested on 20 July 2011 and transferred to the seat of the Tribunal on 22 July 2011. He is charged with 14 counts of crimes against humanity and violations of the laws or customs of war.

B. Trial proceedings

13. In the case of *Prosecutor v. Ratko Mladić*, the accused is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war. The trial was previously scheduled to begin in November 2012 but significant progress has been made and the case commenced hearings on 16 May 2012, approximately six months earlier than previously anticipated. Pretrial preparations progressed faster than expected as a result of the Chamber's intense focus on efficiency during the pretrial phase. This effort included monthly rule 65 ter meetings with the parties, presided over by the pretrial judge, and monthly status conferences. Following the opening statement of the prosecution, the case was adjourned to allow the Trial Chamber to consider the impact of violations of the prosecution's disclosure obligations.

14. In the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, the two accused are charged with five counts of crimes against humanity and violations of the laws or customs of war. The trial's projected time frame has been revised and the trial judgement is now expected in December 2012, one month later than previously anticipated.

15. Delay in the delivery of the trial judgement is a direct result of the previously reported death of the *Simatović* defence counsel, and consequent establishment of a new defence team. The Trial Chamber denied initial requests for an extensive adjournment, instead undertaking that shorter adjournments would be granted as the fairness of the proceedings required. After the *Simatović* defence requested an adjournment of two months, the Chamber granted an adjournment of one month and, as a result, the estimated completion of this case has been delayed by the same amount of time. In addition, the case schedule is affected by the health concerns of Stanišić as well as the concurrent assignments of the presiding judge and of some legal officers working on the trial to another case.

16. In the case of *Prosecutor v. Jadranko Prlić et al.* the six accused are charged with 26 counts of crimes against humanity and violations of the laws or customs of war involving 70 crime sites. The trial's projected time frame has been revised and the trial judgement is now expected in November 2012, five months later than previously anticipated.

17. The judges and legal support team are taking a variety of measures to expedite preparation of the trial judgement; these include embedding a translator into the legal support team to speed the pace of relevant translations. Delay in delivery of the trial judgement is attributable to the workload of the judges and challenges related to staff attrition highlighted in previous reports. Presiding Judge Jean-Claude Antonetti is also serving as the presiding judge in the *Šešelj* trial, Judge Antoine Kesia-Mbe Mindua sits on the trial benches in *Tolimir* and *Hadžić*, and Judge Stefan Trechsel also serves as presiding judge in a contempt trial. In addition, staff attrition in this case has been particularly severe. Since the beginning of the trial, there have

been four different P-5 senior legal officers assigned to the case in succession, as well as two different P-4 legal officers, and three different P-3 legal officers. Currently, the legal support team is led by one P-5 legal officer who is assigned to two trials. In addition, one P-2 legal officer who worked in the *Prlić et al.* team for nearly four years resigned early in March 2012, and has been replaced by a newly recruited P-2 legal officer who is still in the process of becoming familiar with the trial record.

18. In the case of *Prosecutor v. Vojislav Šešelj*, the accused, who is self-represented, is charged with nine counts of crimes against humanity and violations of the laws or customs of war. The trial's projected time frame has been revised and the trial judgement is now expected in March 2013, six months later than previously anticipated.

19. The judges and legal support team are taking a variety of measures to expedite preparation of the trial judgement; these include making special arrangements to speed the translation of trial briefs, and considering the deployment of a translator embedded into the legal support team. Delay in delivery of the trial judgement is attributable to the workload of the judges, understaffing, and challenges related to staff attrition discussed in previous reports. Presiding Judge Jean-Claude Antonetti is also serving as presiding judge in the *Prlić et al.* trial, Judge Frederik Harhoff sits on the trial bench in the *Prosecutor v. Stanišić and Župljanin* case, and Judge Flavia Lattanzi is a reserve judge in the *Prosecutor v. Karadžić* case. In addition, for a period until May 2011, only three legal officers were assigned to the case, compared to six at the commencement of the case. The legal support team is currently composed of one P-3 legal officer, four P-2 legal officers, and one consultant, as well as one P-5 legal officer who is currently assigned to two trials. There has been a high turnover of staff in this case, and the longest-serving staff member was assigned to the case only in 2010. Newly assigned staff members have to familiarize themselves with the trial record, which affects the time needed for the preparation of the trial judgement. In addition, the case schedule is impacted by the recent health concerns of Šešelj.

20. In the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, the two accused are charged with 10 counts of crimes against humanity and violations of the laws or customs of war. Despite significant challenges, including the resignation of the senior legal officer assigned to the case, the trial's projected time frame is unchanged and the trial judgement is expected in December 2012. Final arguments will be heard from 29 May to 1 June 2012.

21. In the case of *Prosecutor v. Radovan Karadžić*, the accused, who is self-represented, is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war. The trial's projected time frame has been revised and the trial judgement is now expected in December 2014, five months later than previously anticipated.

22. Throughout the prosecution's case, the Chamber has taken a variety of measures to expedite the conduct of proceedings. These measures include a continuous focus on ensuring that time limits for cross-examination set by the Chamber are observed. The postponement of the expected delivery date of the trial judgement is attributable to the broad scope of the case, the volume of evidence admitted during the prosecution case, and the consequent extended period granted to Karadžić for the preparation of his defence case.

23. Since the start of the proceedings, the Trial Chamber has faced a significant workload, receiving approximately 690 motions and issuing 500 written decisions. More than 6,628 documents have been admitted into evidence, 180 witnesses called by the prosecution have been heard, and judicial notice of approximately 2,300 adjudicated facts has been taken. In addition, although rule 92 ter constitutes an in-court time-saving measure by which written evidence is submitted in place of viva voce testimony, the Chamber must analyse the written evidence, which in some cases is hundreds of pages, and that may add to the time required for the preparation of the judgement. Owing to the extremely voluminous nature of the written evidence, it is often necessary for Karadžić to be granted significantly more time for the cross-examination of each witness than the time used by the prosecution in its examination-in-chief.

24. Partly in view of the larger than expected volume of evidence presented by the prosecution, whose last witness testified in May 2012, the Chamber granted Karadžić more time than expected to prepare for his defence case. In addition, the legal staff assigned to the Karadžić case is limited. This staffing constraint will continue to affect the time required to address ongoing motions and practical issues arising during the course of the trial, as well as to conduct analysis of evidence necessary to the preparation of the trial judgement.

25. In the case of *Prosecutor v. Zdravko Tolimir*, the accused, who is self-represented, is charged with eight counts of genocide, crimes against humanity, and violations of the laws or customs of war. The trial's projected time frame has been revised and the trial judgement is now expected in December 2012, two months later than previously anticipated.

26. The judges and legal support team are taking a variety of measures to expedite preparation of the trial judgement; these include making special arrangements to speed the translation of trial briefs. Delay in delivery of the trial judgement is caused by three previously unforeseen factors. First, there was a postponement by two weeks in the start of the defence case at the request of the defence. Secondly, contempt proceedings against Dragomir Pećanac, which were adjudicated by the *Tolimir* Chamber, were very labour-intensive, and required a high level of attention from judges and legal officers between October and December 2011. This reduced the amount of time available for work on the *Tolimir* case. Thirdly, as preparation of the trial judgement has continued, the magnitude of the work required has been greater than anticipated.

27. The case of *Prosecutor v. Ramush Haradinaj et al.* is the first retrial at the Tribunal and involves six counts of violations of the laws or customs of war allegedly committed by the three accused. The trial's projected time frame has been revised and the trial judgment is now expected by November 2012, three months later than previously anticipated.

28. The judges and legal support team have taken a variety of measures to expedite preparation of the trial judgement; these include admitting the evidence of a large number of witnesses in written form, which has expedited proceedings. Despite these efforts, delay in delivery of the trial judgement is caused by the late closing of the prosecution case and the workload of the judges. The prosecution's case was delayed by more than two months because of significant difficulties in obtaining the evidence of a witness it considered critical. To overcome these difficulties the Trial Chamber conducted a confidential rule 4 hearing at a remote

location. Arranging this extraordinary hearing was a complex and time-consuming effort. In addition, Judges Burton Hall and Guy Delvoie also sit on the trial bench of the *Hadžić* case and Judge Moloto sits on the trial bench of the *Mladić* case.

29. As the above summary of ongoing trials indicates, there is a significant likelihood that the Tribunal will not be able to complete the judicial proceedings involving Karadžić, Mladić and Hadžić by 31 December 2014, the date for completion indicated by the Security Council in its resolution 1966 (2010). In these three cases, the delayed arrests of the indicted individuals make it very difficult to meet the deadlines requested by the Security Council, despite the Tribunal's best efforts.

C. Contempt proceedings

30. The Tribunal's trial schedule continued to be disrupted by the need to prosecute alleged acts of contempt; however, the Tribunal is taking what measures it can to ensure that all contempt cases are concluded as quickly as possible without affecting ongoing trials. As discussed above, a significant reform has been implemented to expedite contempt cases, minimizing the disruption caused to the pace of the Tribunal's substantive cases. While contempt cases were previously assigned to the Tribunal's permanent judges only, which led to a situation where some permanent judges were assigned between seven and eight contempt cases each, the caseload has now been more evenly redistributed among the Tribunal's permanent and ad litem judges.

31. In the case against *Dragomir Pećanac*, less than two months elapsed from Pećanac's initial appearance on 10 October 2011 to the delivery of the judgement on 9 December 2011. The accused entered a plea of not guilty on 19 October 2011 and the trial was held on 30 November and 1 December 2011. The Chamber decided by a majority, with Judge Prisca Matimba Nyambe dissenting, that Pećanac was guilty of contempt and sentenced him to three months of imprisonment. Neither party has appealed the judgement.

32. In the case of *Prosecutor v. Vojislav Šešelj* (Case No. IT-03-67-R77.4), the Trial Chamber is prosecuting Šešelj for failing to comply with orders of the Trial Chamber to remove confidential witness information from his website. The Trial Chamber has issued an order in lieu of an indictment with respect to these charges, and has expanded the scope of this order several times, most recently on 29 March 2012. The case is almost ready for trial, and will be scheduled in coordination with the other trials to which the judges on this case are assigned.

33. In the case of *Prosecutor v. Jelena Rašić*, Rašić was charged with procuring false witness statements for use by the Milan Lukić defence during the *Lukić and Lukić* trial. On 31 January 2012, the Trial Chamber accepted a plea agreement between Rašić and the prosecution, and on 7 February 2012, the Trial Chamber issued an oral judgement (written reasons issued on 6 March 2012) sentencing Rašić to 12 months' imprisonment. The Trial Chamber suspended the last eight months of the sentence for two years from the oral judgement, subject to Rašić's not being convicted for a crime punishable with imprisonment. Rašić and the prosecutor have both appealed the sentence.

34. In the case of *Prosecutor v. Vojislav Šešelj* (Case No. IT-03-67-R77.3-A), Šešelj has appealed his conviction for contempt of the Tribunal. The amicus curiae

prosecutor has appealed in relation to the sentence that was imposed upon Šešelj. Briefing for this appeal is currently in progress and has been delayed by redirection of translation resources to cases facing greater time constraints. Once briefing is completed, a projected time frame for delivery of the appeal judgement will be swiftly prepared.

D. Appeal proceedings

35. In the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, the appeal's projected time frame has been revised and the appeal judgement is now expected in August 2012, two months later than previously anticipated. The appeal hearing was held on 14 and 15 September 2011. Delay in the delivery of the appeal judgement is attributable to deliberations taking longer than projected.

36. In the case of *Prosecutor v. Nikola Šainović et al.*, despite significant challenges, detailed below, the appeal's projected time frame is unchanged and the appeal judgement is expected in July 2013. An appeal hearing is expected late in 2012.

37. The appeal schedule is affected by a number of factors. The prosecution and all five individuals convicted at trial have filed an appeal. The operative submissions of all appellants amount to approximately 4,300 pages, resulting in an unusually large appeal proceeding. Owing to the sheer size of an appeal of a 1,743-page trial judgement, a number of time extensions were granted to the appellants in order to safeguard the fairness of the proceedings. Although the primary phase of appellate briefing was completed in February 2010, supplementary submissions continued to be filed for a variety of reasons. In addition, translation of the trial judgement into Bosnian/Croatian/Serbian — originally projected for completion in April 2010 — was finalized only in September 2010. Thereafter, defence appellants were permitted to review the trial judgement in Bosnian/Croatian/Serbian and seek amendment of their grounds of appeal.

38. In the past, frequent changes to the composition of the legal support staff due to attrition and use of short-term temporary contracts required revision of projected completion dates. However, a strong managerial focus on staffing in the Appeals Chamber has allowed provision of adequate legal support staff to the *Šainović et al.* case.

39. In the case of *Prosecutor v. Vujadin Popović et al.*, the appeal's projected time frame has been revised and the appeal judgement is now expected in November 2014, 11 months later than previously anticipated.

40. The judges and legal support team are taking a variety of measures to expedite preparation of the appeal judgement; these include, as detailed below, recruiting additional staff to the legal support team. Delay in the projected delivery of the appeal judgement is attributable to three factors, the first being the massive scale of the appeals. Operative submissions of the five defence appellants and the prosecution currently total 5,520 pages. The 112 grounds of appeal submitted by the parties equal the combined total of all other cases currently on appeal. Second, the team working on the case was severely understaffed during all of 2011. Only two full-time legal officers were assigned to the *Popović et al.* case until September 2011, at which time a third legal officer was redeployed from the Trial Chambers. Two additional legal officers were added to the team in February 2012, and the

Appeals Chamber hopes to add more legal officers to the legal support team later in the year. Third, the pre-appeal workload for the judges and staff has been much heavier than expected, sometimes accounting for more than half of all pending appellate motions at any given time. In addition, there are two potential sources of case enlargement which may cause delay. The first involves the filing on 3 January 2012 of the translation of the trial judgement into Bosnian/Croatian/Serbian, which has afforded defence appellants an opportunity to file motions seeking an amendment to their grounds of appeal. The second involves the pending resolution of health-related submissions involving one individual with respect to whom proceedings are suspended.

41. In the case of *Prosecutor v. Vlastimir Đorđević*, the appeal's projected time frame is unchanged and the appeal judgement is expected in October 2013. Briefing was completed on 26 October 2011. The case is being prepared for the appeal hearing, which is projected for early in 2013. The defence is still awaiting the translation of the trial judgement; however, the judgement drafting process has been structured so that any translation delays do not affect the appeal schedule.

42. In the case of *Prosecutor v. Ante Gotovina and Mladen Markač*, the appeal's projected time frame has been revised and the appeal judgement is now expected in December 2012, eight months earlier than previously anticipated. Despite a heavy pre-appeal workload, the appeal has progressed faster than expected as a result of initiatives to organize the drafting team and its pre-appeal activities in a particularly efficient manner. The appeal hearing was held on 14 May 2012.

43. In the case of *Prosecutor v. Momčilo Perišić*, the appeal's projected time frame is unchanged and the appeal judgement is expected in June 2013. Briefing on Perišić's appeal concluded on 3 April 2012, and the case is being prepared for the appeal hearing, which is projected for early in 2013.

44. During the reporting period, the Appeals Chamber of the International Criminal Tribunal for Rwanda delivered five judgements, in the *Théoneste Bagosora and Anatole Nsengiyumva v. The Prosecutor*, *Aloys Ntabakuze v. The Prosecutor*, *Dominique Ntawukulilyayo v. The Prosecutor*, *Ildephonse Hategekimana v. The Prosecutor*, and *Gaspard Kanyarukiga v. The Prosecutor* cases, and, inter alia, a decision upholding a Trial Chamber decision transferring Jean Uwinkindi to Rwanda for trial under rule 11 bis. The Appeals Chamber also heard an appeal from judgement in the *Jean-Baptiste Gatete v. The Prosecutor* case. By the end of this year, the Appeals Chamber expects to deliver a judgement in the *Gatete* case and to hear an appeal from judgement in the *Justin Mugenzi and Prosper Mugiraneza v. The Prosecutor* case.

45. Despite the Tribunal's continuing efforts, including the expected halving of trial judgement translation times, it is currently anticipated, as forecasted in both the Tribunal's report to the Security Council of November 2011 and in the appeal chart enclosed with this report, that the Tribunal will have difficulty in completing any appeals in the cases of *Prlić et al.*, *Šešelj* and *Tolimir* by 31 December 2014 as requested by the Security Council in resolution 1966 (2010). Should such appeals be filed, the Appeals Chamber of the Tribunal would function concurrently with the Appeals Chamber of the Residual Mechanism. Further, appeals in the cases of *Karadžić*, *Mladić* and *Hadžić*, if any, are likely to be filed after 1 July 2013 and will therefore fall to the Residual Mechanism pursuant to resolution 1966 (2010). The

Tribunal is continuing to actively identify and implement measures that may reduce or eliminate these delays.

E. Access decisions

46. The bench constituted to decide requests for access to confidential information for use in national proceedings under rule 75(H) continued to function in an efficient manner, rendering three decisions during the reporting period.

III. Retention of staff

47. As the Tribunal nears the end of its mandate, essential staff continue to leave the Tribunal for more secure employment elsewhere. The loss of experienced staff members has significantly affected proceedings, has placed an onerous burden upon the Tribunal's remaining staff, and is responsible for some delays in the completion of the Tribunal's work.

48. The Tribunal is actively employing administrative measures, including the revision of the intern-hiring rule discussed above, to retain talented staff members and interns. In this context, the Tribunal continues to seek support for a measure that will assist in the retention and replacement of its staff, namely, a retention incentive. This retention incentive would involve a limited payment to staff members with more than five years of continuous service who remain at the Tribunal until the abolition of their posts. In 2008, the Advisory Committee on Administrative and Budgetary Questions endorsed the payment of a retention incentive, and the report of the Secretary-General on this measure included calculations demonstrating that the savings associated with the retention incentive, including reduced turnover rates in terms of lower rotation and higher productivity and efficiency, would more than offset the eventual cost. Providing staff members with a direct financial incentive to remain at their posts until the abolition date has proved highly effective in other downsizing organizations. In the long run, the retention of experienced staff is the most efficient and cost-effective approach for the Tribunal to adopt, as the cost of replacing staff who leave is greater than that associated with providing the proposed retention incentive.

IV. Referral of cases

49. Between 2005 and 2007, the Tribunal referred a total of eight cases, involving 13 accused of intermediate or lower rank, to national jurisdictions in accordance with Security Council resolutions 1503 (2003) and 1534 (2004). This significantly reduced the overall workload of the Tribunal, making it possible to bring the cases of the most senior leaders to trial as early as possible. The referral of these cases to national jurisdictions also aided in improving the Tribunal's relationship with national judiciaries in the former Yugoslavia and in strengthening the capacity of those jurisdictions in the prosecution and trial of violations of international humanitarian law, thus reinforcing the rule of law in these new States.

50. The decisions on referral of cases were made by a specially appointed Referral Bench, followed by appeals against the referral decisions in some cases. As a result,

10 accused were transferred to Bosnia and Herzegovina, 2 to Croatia, and 1 to Serbia. Requests for the referral of four accused were denied because of the level of responsibility of the accused and the gravity of the crimes charged. Possibilities for referrals were maximized. Accordingly, no cases eligible for referral, according to the seniority criteria set by the Security Council, remain before the Tribunal.

51. With respect to 13 persons transferred to national jurisdictions, proceedings against 12 have been concluded. Proceedings against Vladimir Kovačević are suspended until the outcome of a determination by the Basic Court in Kraljevo, Serbia, as to whether he is fit to stand trial. The prosecution continues to monitor this case with the assistance of OSCE.

V. Outreach

52. The Tribunal has intensified its outreach efforts in the countries of the former Yugoslavia as part of a revamped strategy designed to deliver clear and objective information about the Tribunal, its mandate, and its trials, as well as to stimulate debate on how the Tribunal's achievements can best contribute to the process of dealing with the past.

53. In December 2011, the Outreach Programme launched a pioneering youth education project, generously supported by the Government of Finland. The project aims to familiarize more than 3,000 high school students across the region with the work and achievements of the Tribunal. It also marks the first time that the Tribunal has been given permission to speak in the region's high schools on such a broad scale. The majority of the envisaged high school presentations have now been given in the countries and territories of the former Yugoslavia. In addition, to date, 20 lectures have been delivered to law and social science faculties at universities across the region, and more are planned in the third quarter of the year.

54. The Outreach Programme produced its first ever feature-length documentary, entitled "Sexual violence and the triumph of justice", and organized official premieres and expert round-table discussions for the international and regional launches. The film depicts the Tribunal's historic role in ending impunity for wartime sexual violence. The film's reception from audiences in the former Yugoslavia, as well as internationally, has been very positive. Many regional television channels are planning to broadcast the film, while university professors are already using the documentary as a teaching tool for their lectures. Work has advanced on a second documentary which will focus on the Tribunal's completed cases related to crimes committed in the camps around the town of Prijedor, Bosnia and Herzegovina.

55. Outreach representatives in field offices in Belgrade, Pristina, Sarajevo and Zagreb continued to engage with various audiences on the ground by participating in over 70 public events, including conferences and round-table discussions, and providing information about the Tribunal's work. In addition, more than 100 visitors from the former Yugoslavia and more than 2,500 from the rest of the world came to the Tribunal to meet with the Tribunal's judges and senior officials, to learn about the Tribunal's work, and to observe hearings.

56. The Tribunal's multilingual website remained one of its key outreach and public information tools. During the reporting period, half a million page views originated from the former Yugoslavia, which represents a third of the overall total.

Statistics also reveal a significant level of interest in the live viewing of trial hearings through the website. The Tribunal increased its impact on social media networks: the number of Twitter and YouTube users in the former Yugoslavia and beyond who subscribe to the Tribunal's platforms has increased steadily since the Tribunal launched its use of these platforms in October 2010. The Tribunal now counts over 2,700 followers on Twitter, 800 of whom joined during the reporting period. There were almost 600,000 views of clips on the Tribunal's YouTube page, 35 per cent of which originated in the former Yugoslavia.

57. The Outreach Programme conducted a thorough review of its activities last year, which culminated in the publication of the 2011 Annual Outreach Report. The report highlights the activities and achievements of one of the most dynamic years in the Outreach Programme's existence and outlines plans to build on these successes in the future.

58. Notwithstanding these successes, the lack of stable and sufficient funding remains one of the major barriers to maintaining a structured and efficient Outreach Programme. The Outreach Programme persists with its fundraising efforts and reiterates the importance of General Assembly resolution 65/253, in which the Assembly encouraged the Secretary-General to continue to explore measures to raise voluntary funds for outreach activities. The Tribunal will approach States and other donors in the coming months with requests to support Outreach Programme activities which will raise awareness of the Tribunal as an essential part of transitional justice processes and the consolidation of peace and security in the region.

VI. Victims and witnesses

59. More than 7,500 witnesses and accompanying persons from all over the world have been called to appear before the Tribunal. Most witnesses come from diverse and remote locations within the former Yugoslavia. Without the courage of these witnesses in stepping forward and giving evidence, there would be no trials and impunity would reign. Yet many witnesses have experienced a range of difficulties resulting from their decision to give evidence before the Tribunal, and this is in addition to the suffering and loss they have had to endure as a result of the conflicts in the region. The Tribunal's resources are simply incapable of meeting all of their needs.

60. As the Tribunal works towards the completion of its activities, it continues to face challenges in relation to the relocation of witnesses, and the Tribunal depends entirely on the cooperation of States for assistance. The final relocation of witnesses can be delayed for a period ranging between six months and several years depending on the specific circumstances as well as negotiations with States approached for assistance. The longer the delay, the higher the likelihood that a witness who awaits final relocation will be negatively affected. So-called "insider" or convicted witnesses present a further challenge. The criminal backgrounds of some of these witnesses can make their relocation very difficult. Many States have explicitly refused to relocate insider witnesses, some citing legislative restrictions preventing the acceptance of such witnesses. The Tribunal's ability to successfully relocate the most vulnerable of its witnesses is dependent on more States assisting with this challenge.

61. Victims of the conflict in the former Yugoslavia have a right to compensation under international law for the crimes committed against them. In previous reports, the Security Council has been called upon to establish a trust fund for victims of

crimes falling within the Tribunal's jurisdiction, considering the legal bases for such compensation, including the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and General Assembly resolution 40/34 of 29 November 1985. The Tribunal has received a wellspring of positive responses to this initiative from the victims of the atrocities that were committed during the destructive dissolution of the former Yugoslavia during the 1990s.

62. The Tribunal has been taking initiatives to establish a system that provides assistance and support to victims. To this end, it is partnering with the International Organization for Migration, which is currently carrying out an assessment study aimed at providing the Tribunal with guidance on suitable assistance measures and funding options to support those measures. The Government of Finland has generously provided the necessary funding to carry out the assessment, which is being conducted in Bosnia and Herzegovina, Croatia, Serbia, Montenegro, Kosovo and the former Yugoslav Republic of Macedonia. The Tribunal calls upon the Security Council to take whatever steps are necessary to lend its support to those initiatives, stressing that they will not impose any obligations upon States to provide funding and will rely instead on voluntary contributions. The Tribunal cannot, through the rendering of its judgements alone, bring peace and reconciliation to the region. Other remedies must complement the criminal trials if lasting peace is to be achieved, and one such remedy should be adequate reparations to the victims for their suffering.

VII. Cooperation of States

63. During the previous reporting period, Ratko Mladić and Goran Hadžić were arrested and transferred to the Tribunal. There are no outstanding fugitives. This milestone is the result of years of effort by States and the Tribunal Prosecutor to locate and transfer these two fugitives to the jurisdiction of the Tribunal.

VIII. Residual Mechanism

64. On 1 July 2012, the International Residual Mechanism for Criminal Tribunals will commence functioning at both its branches, in The Hague and Arusha. The Residual Mechanism will assume residual functions from the International Criminal Tribunal for Rwanda on 1 July 2012, and from the International Tribunal for the Former Yugoslavia on 1 July 2013.

65. On 19 January 2012, the Secretary-General appointed John Hocking, Registrar of the Tribunal, to serve as the first Registrar of the Residual Mechanism. On 29 February, the Secretary-General appointed Judge Theodor Meron, President of the Tribunal and Judge of the Residual Mechanism, to serve as the first President of the Residual Mechanism. Also on 29 February, the Security Council appointed Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda, to serve as the first Prosecutor of the Residual Mechanism.

66. Below is a summary of the work that is being undertaken to close the Tribunal and transition the Tribunal's responsibilities to the Residual Mechanism. While the Tribunal previously undertook much of the preparation for the Residual Mechanism, the Residual Mechanism has begun recruiting its own staff and will assume

responsibility for further activities related to its operations. The Tribunal is now focused on working closely with the Residual Mechanism to ensure the smooth transition of functions and operations.

Transfer of functions to the Residual Mechanism

67. The Tribunal has engaged in various planning activities to identify areas for action in relation to the transfer of functions from the Tribunal to the Residual Mechanism, in coordination with the Residual Mechanism, the International Criminal Tribunal for Rwanda, the Office of Legal Affairs, the Archives and Records Management Section, and the Informal Working Group of the Security Council on International Tribunals. A multitude of factors have been considered in planning the commencement of the Residual Mechanism and the transfer of functions, including the resources and work processes required to exercise the transferred judicial and prosecutorial functions, the long-term institutional interests of the Residual Mechanism, budgetary implications, and the need to ensure the continued provision of support and assistance to the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia as they complete their mandates.

68. The first transfer of Tribunal functions to the Residual Mechanism will take place on 1 July 2012, when the Tribunal will transfer the records and archives management function to the Residual Mechanism. Concurrently, the Tribunal will abolish its own Archives and Records Management Unit and downsize the respective staff.

Downsizing

69. The downsizing process continues to be implemented. During 2012 and 2013, the Tribunal expects to downsize 120 posts in line with the trial and appeal schedule. Using the comparative review process, specific staff members are selected for downsizing, and their contract validity dates and synchronized to the dates set for the abolition of their posts. The comparative review process for post reductions in 2012 and 2013 was completed in the third quarter of 2011. By conducting this exercise as early as possible, staff members have been provided with the maximum contractual security that prudent financial planning will permit.

Budget for 2012-2013

70. In addition to the Tribunal budget for the 2012-2013 biennium, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda worked together to develop a Residual Mechanism budget for consideration by the Office of Legal Affairs. The budgets of the two Tribunals and the Residual Mechanism were considered as a coherent whole. After making final decisions on the proposals developed by the two Tribunals, the Office of Legal Affairs submitted the proposal for the Residual Mechanism budget to the Office of the Controller on 15 June 2011. The budget proposal for the Residual Mechanism was approved by the General Assembly on 24 December 2011.

71. In order for the Residual Mechanism to operate at its most efficient and cost-effective, the Residual Mechanism budget foresees that substantial assistance will be provided by the two Tribunals. More specifically, as the Residual Mechanism will coexist with the Tribunals during the biennium 2012-2013, the Residual

Mechanism and the two Tribunals will share resources and provide mutual support, particularly through double-hatting staff members and the use of common administrative support services to be provided by the Tribunals. By utilizing the existing staff and resources of the two Tribunals, the Residual Mechanism will operate efficiently and generate economies of scale through means that include reduced post funding requirements, reduced general operating expenses, reduced infrastructure costs, reduced equipment costs, and reduced administrative service costs.

Rules of Procedure and Evidence

72. In cooperation with the Office of Legal Affairs, the two Tribunals completed a massive project to prepare draft Rules of Procedure and Evidence to be adopted by the Residual Mechanism. Stage 1 of this project entailed the creation of a single, first draft of the rules. Stage 2 entailed the judges, Offices of the Prosecutors, Registries, and Associations of Defence Council of both Tribunals commenting upon the draft, and the harmonization of these comments into a second draft of the rules. Stage 3 involved the Presidents of the two Tribunals agreeing upon the draft and then remitting the draft to the Office of Legal Affairs. The Presidents of the two Tribunals submitted the draft to the Office of Legal Affairs on 22 July 2011, and submitted a revised draft early in 2012 following comments from members of the Security Council. A more recent draft of the rules was submitted to the Office of Legal Affairs in April 2012.

Premises and host State agreement

73. Security Council resolution 1966 (2010) identifies the seats of the branches of the Residual Mechanism as The Hague and Arusha. In order to realize cost savings and maximize efficiency, the branch of the Residual Mechanism in The Hague will be co-located with the Tribunal during the period of their coexistence. Negotiations on the continued use of Tribunal premises are continuing. The Tribunal assisted the Office of Legal Affairs in negotiating an appropriate headquarters agreement with the host State, and will continue assisting the Residual Mechanism in those negotiations.

Information security and access regime for Tribunal and Residual Mechanism records

74. Since the last meeting of the Joint Archives Strategy Working Group from 27 to 29 September 2011, work on the establishment of a Secretary-General's Bulletin on information security and access for Tribunal and Residual Mechanism records has neared completion. The draft developed jointly by the two Tribunals has since been reviewed by the Office of Legal Affairs and will be completed shortly.

Development of retention and record-keeping policies

75. The Archives and Records Management Unit of the Tribunal continues to work with Archives and Records Management Section to produce a comprehensive records retention policy for the substantive records of all three organs of the Tribunal. This work will be concluded by 30 June 2012.

76. The Archives and Records Management Unit is now working with all Tribunal offices to prepare records disposition plans. These plans set out actions to be taken by offices to implement the records retention policies before their closure. The Unit intends to prepare these plans by 30 June 2012.

Preparation of digital records for migration to the Residual Mechanism

77. The Archives and Records Management Unit, working in collaboration with the Tribunal's Information Technology Services Section, engaged a specialist consultant in October 2011 to advise the Tribunal on the development of a digital preservation strategy. This project was completed in January 2012. The Tribunal is now considering the consultant's recommendations.

78. The Tribunal has initiated several projects to audit key collections of digital records, to improve the quality of the indexes to these collections, and to improve access to them in the future.

79. The records disposition plans referred to above include actions to be taken by offices with respect to digital records before the offices' closure.

Preparation of hard-copy archives for transfer to the Residual Mechanism

80. The Archives and Records Management Unit successfully completed an upgrade of the TRIM Electronic Document and Records Management System. The Unit is now working on several projects to prepare the system for transfer to the Residual Mechanism.

81. The records disposition plans referred to above include actions to be taken by offices with respect to physical records before their closure.

82. The Head of the Archives and Records Management Unit has established a working group to develop an emergency response and disaster recovery plan for physical records which are stored in secure vaults.

Review of agreements

83. The Tribunal has concluded the review of all existing agreements with States and other international bodies, as well as contracts with private entities, to determine whether the existing agreements should continue after the closure of the Tribunal. Individual sections within the Tribunal have made recommendations for amendments of existing agreements and contracts necessary to meet the requirements of the Residual Mechanism. New agreements and contracts are planned in accordance with the projected timelines for closure of the Tribunal.

Information centres

84. Following the mission in October 2009 of the Head of Chambers to the former Yugoslavia, the President established the Informal Consultative Working Group on the establishment of information centres in the region of the former Yugoslavia, consisting of representatives of relevant Governments, to enable national authorities to better determine whether they consider it desirable to establish information centres on their territories, and, if so, to develop a vision for such centres. Representatives of the United Nations Development Programme and the United Nations Interregional Crime and Justice Research Institute (UNICRI) were invited to participate in the Working Group as observers. In September 2010, the first meeting of the Working Group was held in Brdo, Slovenia, during which concrete steps were identified to bring the project to fruition. The Tribunal has since circulated for comment a draft project proposal on the establishment of the centres to members of the Working Group and observers and has completed consultations

on the proposal with non-governmental organizations in the former Yugoslavia. In June 2011, the Government of Switzerland hosted a workshop for members of the Working Group and observers, bringing together experts from various countries working in the field of archives and human rights to share their experiences. During the workshop, the Tribunal's outreach staff reported to the Working Group on the feedback received from non-governmental organizations. Based on the discussions at the workshop, it was determined that the most constructive way forward would be for the Tribunal to work bilaterally with each of the interested States to assemble a project proposal that suits their particular needs. Croatia has already agreed to the establishment of an information centre, and discussions with other relevant States are ongoing.

IX. Legacy and capacity-building

85. On 28 September 2010, the Tribunal, the Office for Democratic Institutions and Human Rights of OSCE and UNICRI officially launched the joint 18-month War Crimes Justice Project in Belgrade. The Tribunal directly implemented three components of the project, including the transcription of designated Tribunal proceedings into the local languages of the former Yugoslavia, the translation into Bosnian/Croatian/Serbian of the Tribunal's Appeals Chamber Case Law Research Tool, and the training of legal professionals on how to access and research the Tribunal's public records. Over 60,000 pages of transcripts have been completed, much of the Appeals Chamber Case Law Research Tool has been translated and uploaded on to the Tribunal's website, and 157 legal professionals from regional judiciaries have received training on searching and accessing publicly available Tribunal materials. The success of this project has led the Office for Democratic Institutions and Human Rights to begin planning a similar project, in consultation with the Tribunal.

86. The Tribunal has been seeking a means of providing access to its records for Albanian speakers in the former Yugoslavia. The Government of Switzerland generously provided funding for the translation into Albanian of the Manual on Developed Practices, produced by the Tribunal in cooperation with UNICRI, which provides a comprehensive description of the operating practices that have developed at the Tribunal since its inception. Translation of the Manual was completed during the reporting period, and it is now available on the Tribunal's website. The Tribunal is also seeking funding for the translation of relevant transcripts into Albanian.

87. On 15 and 16 November 2011, the Tribunal convened a conference focusing on its global legacy. The Global Legacy Conference brought together leading academics, international judges, legal practitioners, State representatives, and members of civil society to explore the impact of the Tribunal's work on international humanitarian law and international criminal procedure, as well as the potential of its jurisprudence to shape the future of global justice and the advancement of human rights. The Conference included four panel discussions on the following topics: the impact of the Tribunal's substantive jurisprudence on the elucidation of customary international humanitarian law; the interaction of common and civil law procedures in the work of the Tribunal: efficiency and fairness in complex international trials; the impact of the Tribunal's work on the future of global justice and the advancement and enforcement of human rights; and the Tribunal's jurisprudential contribution to the clarification of the core crimes of

genocide, crimes against humanity, and war crimes. More than 350 individuals participated in the Conference, including some of the most eminent scholars and practitioners in the field of international criminal and humanitarian law. The Conference was made possible through the generosity of the Governments of the Netherlands, Luxembourg, Switzerland and the Republic of Korea, as well as the Municipality of The Hague and the Open Society Justice Initiative. Videos of the panel discussions are available on the Tribunal's website.

88. Plans for commemorations appropriate to the Tribunal's twentieth anniversary in 2013 are in the process of being reviewed and will be announced in due course.

X. Conclusion

89. This report demonstrates the Tribunal's steadfast commitment to the expeditious conduct of its proceedings while ensuring full compliance with due process standards. As set out above, the Tribunal has revised administrative and staff rules, case staffing, and drafting team working practices to reduce the potential for additional delays, and, in some cases, bring forward the expected delivery dates of judgements. While judgements in certain cases are now expected later than previously predicted, the Tribunal is doing its utmost to avoid such delays.

90. Delays in the delivery of certain judgements should not distract from the Tribunal's unprecedented success in developing a comprehensive corpus of precedents in international criminal law and in arresting all living individuals indicted by the Tribunal, thus establishing clearly and unequivocally that genocide, crimes against humanity, and violations of the laws or customs of war are crimes that the international community will not tolerate. In this spirit, the Tribunal encourages the Security Council to continue supporting judicial institutions in the former Yugoslavia as they build on the work of the Tribunal and the Security Council.

Annex II

[Original: English and French]

Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004)

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I. Overview

1. The Prosecutor submits this seventeenth completion strategy report pursuant to Security Council resolution 1534 (2004), covering developments from 16 November 2011 to 23 May 2012.

2. In this reporting period, the Office of the Prosecutor has taken substantial strides towards completing its remaining cases. It has moved into one of its busiest phases with the final two trials against Tribunal indictees in preparation or under way, the convergence of the final briefing periods of a number of trials and increasing demands on the Appeals Division. At the end of this reporting period, one case is in the pretrial phase (*Hadžić*); one case is in the prosecution evidence presentation phase (*Mladić*); one case is at the rule 98 bis stage following completion of the prosecution's evidence presentation (*Karadžić*); one case is in the defence evidence presentation phase ((Jovica) *Stanišić and Simatović*); in three cases the evidence presentation by the prosecution and defence has concluded and closing arguments are yet to be heard (*Haradinaj et al.*, *Tolimir* and (Mićo) *Stanišić and Župljanin*); and two cases are awaiting judgement at the Trial Chamber level (*Prlić et al.* and *Šešelj*). In addition, six cases are on appeal (*Šainović et al.*, *Lukić and Lukić*, *Popović et al.*, *Đorđević*, *Gotovina and Markač* and *Perišić*) and contempt proceedings are ongoing in two cases (*Rašić* and *Šešelj*).

3. As the obligations of the Office of the Prosecutor have intensified, its work has been simultaneously hampered by high rates of staff attrition. To cover pressing needs, staff members throughout the Office are taking on dual or multiple roles and, in addition, the Office has recruited temporary staff to ensure it can meet its court-imposed deadlines. The Office of the Prosecutor remains indebted to its loyal staff members who continue to take on workloads above and beyond what should normally be expected.

4. With no remaining fugitives and the apprehension in January 2012 of fugitive Radovan Stanković who escaped from prison in Foča, cooperation with States in the former Yugoslavia has primarily focused on day-to-day support for ongoing trials and appeals. An exception, however, is the unresolved issue of Serbia's investigations into the fugitive networks, including the criminal responsibility of individuals who assisted Mladić and Hadžić while at large. Notwithstanding previous requests from the Office of the Prosecutor and undertakings by the Serbian authorities, the Office has received little information about the status of its fugitive network investigations. Another exception is Bosnia and Herzegovina's slow progress in processing cases based on investigative materials transferred by the Tribunal.

5. As the Tribunal moves further towards the completion of its mandate, the overall measure of its success will depend on handling effectively the transition from the Tribunal to national war crimes prosecutions in the former Yugoslavia. While the Office of the Prosecutor continues to enjoy positive working relationships with national prosecution offices, significant concerns remain about the implementation of war crimes strategies, particularly in Bosnia and Herzegovina. In addition, regional inter-State cooperation must be urgently improved to overcome persistent barriers to establishing accountability for wartime atrocities.

II. Completion of trials and appeals

A. Flexible management of the resources of the Office of the Prosecutor

6. In this reporting period, the Office of the Prosecutor has continued to allocate its resources in a flexible and solution-oriented way to overcome difficulties that might otherwise jeopardize the completion of its mandate. Many Trial Division staff members are juggling obligations on more than one trial. Similarly, Appeals Division staff members are assisting with multiple functions across the Trial and Appeals Divisions, as well as supporting work within the Immediate Office of the Prosecutor. In addition, during this reporting period, the Deputy Prosecutor left the Office to take up a new assignment as Prosecutor of the Special Tribunal for Lebanon. The Deputy Prosecutor's functions are being covered by remaining senior staff members within the Office of the Prosecutor.

7. The Office of the Prosecutor still faces serious challenges resulting from staff attrition. Trial teams continue to report problems associated with key staff members leaving in the midst of trial or during the critical final stages of trial. Shortages of personnel to assist with electronic disclosure searches and to perform trial and language support functions also affect the ability of the Office to respond quickly to demands from defence teams and Chambers. In the present reporting period, the Office of the Prosecutor has complied with onerous disclosure orders in several ongoing trials, in addition to its regular and continuing disclosure work in all cases. This development has significantly strained existing resources and temporary staff members have been hired to alleviate the situation and to ensure that the Office complies with court-imposed deadlines. These short-term solutions are not sustainable in the longer term.

B. Update on the progress of trials

1. *Prlić et al.*

8. This multi-accused trial was completed in March 2011 (trial started on 26 April 2006 and final arguments were heard on 24 February 2011). The Trial Chamber continues to prepare its judgement, which is not expected before November 2012. All six accused persons have been on provisional release since November 2011. All prosecution appeals from the Trial Chamber's provisional release decisions have been dismissed.

2. *Šešelj*

9. This trial was completed in March 2012. The parties filed their closing briefs on 5 February 2012 and closing arguments were heard over six days between 5 and 20 March 2012. The parties await the Trial Chamber's judgement, which is not expected before the end of 2012.

10. The prosecution presented the evidence of 85 witnesses, 57 of whom gave testimony in person before the Trial Chamber. An additional 14 witnesses attended before the Trial Chamber only for cross-examination pursuant to rule 92 ter. The evidence of a further 14 witnesses who were unavailable to testify was admitted

under the provisions of rule 92 quater. The Trial Chamber called 10 witnesses. One Trial Chamber witness refused to testify and his prior written statements were admitted into evidence.

11. On 22 December 2011, the Trial Chamber unanimously dismissed Šešelj's contempt allegations against staff members of the Office of the Prosecutor, finding insufficient grounds to launch contempt proceedings. The Trial Chamber's ruling followed the report of October 2011 of the amicus curiae appointed to investigate Šešelj's contempt allegations, which concluded that there was no basis for proceeding against any staff member of the Office of the Prosecutor for contempt of court.

3. (Mićo) *Stanišić and Župljanin*

12. This trial is almost complete, and closing arguments are scheduled from 29 May to 1 June 2012. The *Župljanin* defence completed its case on 8 December 2011, although it subsequently reopened its case in April 2012 to tender the written evidence of a deceased witness. The Office of the Prosecutor presented its evidence in rebuttal in January 2012, following which the Chamber called three witnesses. Stanišić's subsequent request to call a further witness was denied, and the parties filed their final briefs on 14 May 2012. Judgement is expected at the end of 2012.

4. (Jovica) *Stanišić and Simatović*

13. This trial continues in the defence phase of evidence presentation. The *Stanišić* defence concluded in December 2011 and the *Simatović* defence team will likely conclude its evidence presentation by the end of May 2012. Subsequently, one Stanišić witness will be recalled for cross-examination and the Trial Chamber has indicated that it may call its own witnesses. The Office of the Prosecutor will also submit motions for the admission of additional documents and possibly seek to call rebuttal evidence to address matters raised in the defence evidence presentation. Once the evidentiary phase is closed, the parties will submit their final trial briefs and make closing arguments pursuant to a schedule to be set by the Trial Chamber.

5. *Tolimir*

14. This case is in the final briefing phase. The parties' closing briefs are due on 11 June 2012 and closing arguments are scheduled for 21 and 22 August 2012. The Chamber has scheduled a period of several months between the closing briefs and closing arguments recognizing that Tolimir is self-represented and requires translation of all materials into his native language. The period between the closing briefs and closing arguments will also provide the Office of the Prosecutor with urgently needed capacity to focus on other case-related obligations. In particular, several staff members working on the *Tolimir* case, including the senior trial attorney, are simultaneously working on the *Mladić* case, which commenced on 16 May 2012. The judgement in this case is expected at the end of 2012.

6. *Haradinaj et al.* (retrial)

15. The *Haradinaj et al.* retrial is in its final stages. The prosecution closed its case on 20 April 2012. None of the accused called a defence case or brought a motion for dismissal of charges pursuant to rule 98 bis. The Trial Chamber ordered that closing briefs be filed on 11 June 2012 and closing arguments be made on 25 and 26 June 2012. A judgement is not expected before November 2012.

16. The conclusion of the prosecution's case was significantly delayed between November 2011 and April 2012, owing largely to difficulties in securing the testimony of a key witness. These difficulties were addressed in the Prosecutor's previous completion strategy report.

7. *Karadžić*

17. The prosecution has completed its evidence presentation in the *Karadžić* trial. The prosecution finished presenting most of its evidence in the municipalities component of its case (concerning crimes committed in 19 municipalities across Bosnia and Herzegovina) in November 2011. Immediately following this, the prosecution presented evidence relating to the final component of the indictment concerning the crimes of July 1995 in Srebrenica. While the prosecution completed the presentation of all evidence on 4 May 2012, the prosecution case will be officially closed only once the Chamber has ruled on all outstanding evidence-related motions. Submissions pursuant to rule 98 bis are scheduled to be made on 11 and 13 June 2012. In the event that the Trial Chamber finds there is a case to answer, a pre-defence conference will be held on 15 October 2012 and the defence case will commence on 16 October 2012, with the accused immediately calling his first witness.

18. The prosecution completed its evidence presentation within the 300 hours the Trial Chamber allotted. The prosecution called a total of 195 witnesses who gave evidence entirely or partly (by attending for cross-examination) in person before the Tribunal. The evidence of a further 141 witnesses was tendered entirely in writing. Reflecting the magnitude of the evidence in this case, on 26 April 2012, the prosecution tendered the 5000th exhibit in the case — more than in any other case before the Tribunal.

19. Throughout this reporting period, the *Karadžić* prosecution trial team continued to effectively employ measures to expedite the proceedings. These included continuously reviewing witness lists to remove witnesses who would give evidence duplicating that already received, reducing the direct examination of witnesses and reducing the number of exhibits tendered where possible. The prosecution adjusted witness schedules to overcome unexpected witness availability issues and scheduling problems arising from delayed disclosure issues.

20. The volume and broad-ranging scope of the accused's ongoing requests for disclosure of material from the extensive evidence collection of the Office of the Prosecutor continues to put the resources of the Office under considerable strain. This situation is exacerbated by competing and time-pressured disclosure obligations in other cases. The Office of the Prosecutor is continuously improving its document search and review techniques, but it has also been necessary to hire additional temporary staff members to overcome the considerable disclosure-related demands its faces.

8. *Mladić*

21. The *Mladić* trial commenced on 16 May 2012 with the prosecution's opening statement. Mladić elected not to make an opening statement at that time. The prosecution's evidence presentation was scheduled to commence on 29 May 2012, but has been postponed to a date yet to be determined by the Trial Chamber. The delay has been necessary to correct a technical problem affecting the prosecution's

disclosure of documents to Mladić. Items the prosecution intended to disclose in the third quarter of 2011 were not disclosed because of a technical error in a document management system. The prosecution has made a report to the Trial Chamber about the limited impact of the error on the case. Upon discovering the error, the prosecution took immediate steps to correct the problem. In the circumstances, the prosecution did not oppose a reasonable adjournment of the trial proceedings so that Mladić could review the omitted documents.

22. In this case, the prosecution intends to call 387 fact witnesses. Of these, only 7 will give their full evidence in person before the Trial Chamber, 141 will be available to appear for cross-examination if required and the evidence of a further 239 witnesses will be adduced in written form. The evidence of 24 expert witnesses will also be adduced. The prosecution has divided the presentation of its evidence into five segments: an overview of the case; the crimes in Sarajevo; the crime of hostage-taking; crimes in 15 municipalities across Bosnia and Herzegovina beginning in 1992; and the crimes of July 1995 in Srebrenica.

23. The Trial Chamber has determined that the trial will proceed on the basis of a sitting schedule of five days per week. When issuing its scheduling order in February 2012, the Trial Chamber concluded, based on a December 2011 medical report, that Mladić's health was compatible with running court sessions five days per week.

24. On 16 December 2011, the prosecution filed a fourth amended indictment. In accordance with its commitment to presenting an expeditious case against Mladić that reflects the scope and gravity of his crimes, the prosecution preserved all 11 counts of the previous indictment, but reduced the number of incidents in each component of the case. For example, in the municipalities component of the case, the prosecution retained 15 of the 23 original municipalities. The prosecution believes that the indictment strikes an appropriate balance between Mladić's overall alleged culpability and ensuring a focused and expeditious trial in the circumstances of this particular case. As a result of the reduction, the prosecution estimates that it will use approximately 200 hours of hearing time to present its evidence.

25. For the first time, in this reporting period, regular budget funds became available to staff the *Mladić* prosecution trial team. Commencing in January 2012, the prosecution gave priority to recruiting dedicated staff with appropriate knowledge and experience to work on the case. The prosecution has also hired temporary staff to ensure it can meet its onerous disclosure obligations set by the Trial Chamber. Even so, given the volume of pretrial work involved, the tight deadlines and the fact that many *Mladić* trial team members (including the two senior trial attorneys) are simultaneously working to finish other cases before the Tribunal, the prosecution used its resources flexibly and creatively to supplement the *Mladić* trial team with staff working on other trials and appeals when possible.

9. *Hadžić*

26. This case will be the last trial heard by the Tribunal, but includes some of the first crimes committed in the conflict in the former Yugoslavia, namely, crimes against the non-Serb populations in Eastern Slavonia and the Knin Krajina regions of Croatia from late 1991 until 1993. The case is proceeding in the pretrial phase, and the commencement of trial is scheduled for 16 October 2012. During this

reporting period the Pretrial Chamber convened a series of status conferences and rule 65 ter meetings and confirmed that the case is proceeding on schedule.

27. The prosecution continues to meet its deadlines and disclosure obligations. Following a request by the accused, the prosecution has facilitated, or is in the process of facilitating, extensive access to confidential material from the *Milošević*, *Šešelj*, *Stanišić and Simatović*, *Dokmanović*, *Martić* and *Mrkšić and Šljivančanin* cases.

28. Immediately following Hadžić's arrest in July 2011, the absence of budgetary funds for the case, coupled with the downsizing process of the Office of the Prosecutor and the simultaneous assignment of existing staff members to several cases, posed a challenge for trial preparations. This challenge has been met in part with the allocation of regular budget funds to staff the *Hadžić* trial team as from January 2012. Further improvements are expected in the near future when *Hadžić* trial team staff members with competing obligations on other cases before the Tribunal become available to work full-time on the *Hadžić* case.

C. Update on the progress of appeals

29. During this reporting period, staff members of the Appeals Division have been involved in preparing for the oral hearing in *Gotovina and Markač* and completing the briefing in the *Perišić* appeal. Appeals Division staff members also continue to support trial work throughout the Office as well as to cover needs within the immediate Office of the Prosecutor on a range of assignments.

30. In this reporting period no appeal judgements were issued, although the Appeals Chamber is scheduled to issue its judgement in *Lukić and Lukić* (trial judgement dated 20 July 2009) in August 2012.

31. The Appeals Chamber held an appeal hearing in *Gotovina and Markač* (trial judgement issued 15 April 2011) on 14 May 2012. Judgement was reserved.

32. The appeals briefings for multi-accused cases, *Šainović et al.* (trial judgement issued on 26 February 2009) and *Popović et al.* (trial judgement issued on 10 June 2010) are complete. In *Šainović et al.*, briefing was completed on 1 September 2010 and in *Popović et al.* on 2 May 2011. An appeal hearing in *Šainović et al.* is currently expected in the third quarter of 2012 and the appeal hearing in *Popović et al.* is not anticipated before the third quarter of 2013.

33. Appeals briefings in the single-accused cases of *Đorđević* (trial judgement issued on 23 February 2011) and *Perišić* (trial judgement issued on 6 September 2011) are also complete. In *Đorđević* the briefing was completed on 26 October 2011 and in *Perišić* on 3 April 2012. The prosecution anticipates that appeal hearings will be scheduled in the second quarter and first quarter of 2013 respectively.

34. At the end of this reporting period, the Appeals Division will carry an inventory of six prosecution appeals concerning 15 accused persons, together with 16 individual accused appeals against conviction.

35. In addition to its appeals caseload, the Appeals Division continues to actively assist trial teams with briefing major legal issues, opening and closing submissions, pretrial motions work and other time-sensitive trial preparation matters, such as disclosure reviews. The Appeals Division has also assumed several essential trial-

related functions, including digesting and communicating jurisdictional and procedural decisions of interest to the trial teams, overseeing the selection and assignment of interns for the Office of the Prosecutor and managing the meetings of legal advisers. Appeals Division staff members also assist with portfolios within the immediate Office of the Prosecutor, including overseeing work done by the transition team to assist national prosecution authorities and preparing for the commencement of the International Residual Mechanism for Criminal Tribunals.

D. Contempt cases

1. *Rašić*

36. The contempt case against Jelena Rašić is currently on appeal. Rašić was formerly the case manager in the *Lukić and Lukić* case and was charged with procuring and encouraging another person to procure false witness statements for payment. The case is linked to the *Tabaković* case, in which the accused was convicted for procuring false witness statements and sentenced to three months' imprisonment on 15 March 2010.

37. On 24 January 2012 the prosecution and Rašić filed a joint motion asking the Trial Chamber to accept an agreement in which the accused pleaded guilty to all five counts of the indictment. The Chamber accepted the agreement on 31 January. On 7 February 2012, after hearing the submissions of the parties, the Chamber sentenced the accused to 12 months' imprisonment, with eight months suspended for two years. Both parties have appealed the length of sentence. The prosecution has appealed the eight-month suspended sentence, and seeks a full custodial sentence. The accused has appealed the one-year term of the sentence.

2. *Šešelj*

38. Šešelj persists in flouting the orders and rules of the Tribunal and refuses to remove from the public domain confidential information about witnesses. His contemptuous conduct continues to consume significant resources of the Office of the Prosecutor and other Tribunal resources and undermines the integrity of the Tribunal's processes.

39. In the second contempt case concerning breaches of protective measures against Šešelj, an appeal by the amicus curiae Prosecutor is pending. The appeal briefing is suspended pending a ruling on the amicus curiae Prosecutor's motion to strike Šešelj's appeal brief for violating the briefing schedule and exceeding the prescribed length.

40. The third contempt case against Šešelj is currently in the pretrial phase. The case concerns Šešelj's failure to comply with the Trial Chamber's orders upon conviction in the first and second contempt cases and his failure to comply with several other orders to remove documents, books and court filings containing confidential information from his website. On 5 April 2012, the Trial Chamber publicly issued a third amended order in lieu of indictment. The Trial Chamber added to the existing charges Šešelj's failure to comply with its order of 3 November 2011 to remove the confidential information from his website. A further appearance of the accused was held on 17 April 2012.

41. At the beginning of the reporting period, the prosecution devoted substantial resources to issues arising in connection with the amicus curiae Prosecutor's investigation into Šešelj's contempt allegations against the Office of the Prosecutor. As noted above, following almost one year of investigation, the Chamber found that there was no basis for contempt proceedings against staff members of the Office.

3. *Pećanac*

42. This case was completed on 9 December 2011 when the Trial Chamber convicted Pećanac for contempt and sentenced him to a term of three months' imprisonment. The order in lieu of indictment was issued against Pećanac on 21 September 2011 and made public on 19 October 2011, charging him with contempt for failing to appear upon a subpoena in the *Tolimir* case. The accused had obstructed all attempts by the Tribunal to facilitate his safe passage to The Hague, failed to appear at the scheduled time and failed to show good cause why he should not comply with the subpoena. The case was heard on 30 November 2011 and, on 1 December 2011, the defence made its closing arguments. Following his contempt conviction, Pećanac gave evidence in the *Tolimir* case.

4. *Tupajić*

43. This case was completed on 24 February 2012 when the Trial Chamber convicted Tupajić and sentenced him to a term of two months' imprisonment. An order in lieu of indictment was issued against Tupajić on 30 November 2011 and made public on 14 December 2011, charging him with contempt for failing to appear upon a subpoena in the *Karadžić* case. Following a trial on 3 February 2012 in which the accused was the only witness in his defence, the Trial Chamber found the accused had no just excuse for failing to appear.

E. Access orders

44. The Office of the Prosecutor continues to allocate significant resources to its ongoing obligations arising from orders granting accused persons access to confidential materials in related Tribunal cases. The compliance of the Office with access orders is absorbed within existing resources. The orders can give rise to a substantial amount of continuous and ad hoc review work, depending upon whether the case for which access is granted is ongoing or completed.

45. Mladić has requested access to confidential materials in 33 completed cases, which, if granted, could have a significant impact on the resources of the Office. As noted above, the Office is also in the process of facilitating access to confidential materials requested by Hadžić and other accused persons. In addition, the Office is required to file periodic notices of compliance with 35 orders granting access to materials in ongoing cases, which generates an extensive amount of review work.

III. State cooperation with the Office of the Prosecutor

46. To successfully complete its mandate, the Office of the Prosecutor continues to rely on the full cooperation of States, as set out in article 29 of the statute of the Tribunal.

A. Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor

47. During the reporting period, the Office of the Prosecutor sought cooperation from States of the former Yugoslavia, in particular Serbia, Croatia and Bosnia and Herzegovina. To promote and assess cooperation, the Office maintained a direct dialogue with Government and judicial authorities in each of these three countries, including officials in national prosecution offices. The Prosecutor met with officials in Zagreb on 30 April 2012, in Sarajevo from 7 to 9 May 2012 and in Belgrade on 22 and 23 May 2012 to discuss cooperation and other issues of mutual relevance.

1. Cooperation between Serbia and the Office of the Prosecutor

(a) Assistance with trials and appeals

48. Serbia's cooperation with the Office of the Prosecutor in terms of providing access to documents and archives remains essential for efficiently completing ongoing trials and appeals. In this regard, the cooperation provided by the Serbian authorities continued to fully meet expectations. In the current reporting period (as at 14 May 2012), the Office sent 59 requests for assistance to Serbia. The Serbian authorities responded promptly and adequately to those requests for assistance, and none are currently overdue.

49. Similarly, during this reporting period, Serbian authorities continued to adequately facilitate the access of the Office of the Prosecutor to witnesses, including their appearance before the Tribunal. Summonses were served on time, court orders were executed and witness interviews were facilitated. The relevant judicial and law enforcement bodies, including the Office of the War Crimes Prosecutor, reacted promptly and professionally to requests from the Office of the Prosecutor.

50. Serbia's National Council for Cooperation with the Tribunal continued to play a central role in maintaining this positive state of affairs. Its efforts to coordinate the work of different government bodies handling the requests for assistance of the Office of the Prosecutor have improved Serbia's capacity to handle urgent requests.

51. In the months to come, the Tribunal will face a tight case schedule that will require the continuation of present cooperation levels. The Office of the Prosecutor expects the Serbian authorities to maintain their prompt approach to requests for assistance, which is crucial for the successful, timely and efficient discharge of justice.

(b) *Kovačević* rule 11 bis case

52. The *Kovačević* case, which was transferred from the Tribunal to Serbia pursuant to rule 11 bis, remains suspended owing to the poor health of the accused. It is unclear when, or if, he will be fit to stand trial. A civil procedure was conducted to determine whether the accused should be taken to a specialized medical facility because of the possible danger he represents to himself and others. The Serbian authorities have informed the Office of the Prosecutor that a decision was rendered finding *Kovačević* unfit to stand trial. The Office of the Prosecutor awaits formal transmission of the decision from the Serbian authorities.

(c) Investigation into fugitive networks

53. As stated in the Prosecutor's last completion strategy report, Serbia had undertaken to provide the Office of the Prosecutor with comprehensive information shedding light on how fugitives from the Tribunal, including Mladić and Hadžić, evaded justice for so long prior to their capture. Serbia has also expressly undertaken to investigate and prosecute individuals who assisted in harbouring the fugitives while at large. Despite these commitments, during the reporting period, no visible results have been registered and little information was provided to the Office of the Prosecutor. During a meeting with the Prosecutor in Belgrade on 22 May 2012, the Serbian Prosecutor for war crimes committed Serbia to conducting more in-depth investigations into the fugitive networks in the coming months. Serbia must intensify its efforts to address this matter.

2. Cooperation between Croatia and the Office of the Prosecutor

54. The Office of the Prosecutor continues to rely on Croatia's cooperation to efficiently complete trials and appeals. In the current reporting period (as at 14 May 2012), the Office sent 18 requests for assistance to Croatia. The Croatian authorities have given timely and adequate responses to the requests made and it has provided access to witnesses and evidence as required. The Office will continue to rely on Croatia's cooperation in upcoming trials and appeals.

3. Cooperation between Bosnia and Herzegovina and the Office of the Prosecutor

(a) Assistance with trials and appeals

55. During the reporting period (as at 14 May 2012), the Office of the Prosecutor sent 16 requests for assistance to Bosnia and Herzegovina relating to ongoing trials and appeals. The authorities of Bosnia and Herzegovina, at both the State and entity levels, responded promptly and adequately to the Office's time-sensitive requests for documents and access to Government archives. The authorities also assisted with witness protection matters and facilitated the appearance of witnesses before the Tribunal. As trials and appeals progress, the Office will continue to rely on similar assistance from Bosnia and Herzegovina in the future.

(b) *Stanković* rule 11 bis case

56. On 21 January 2012, the authorities of Bosnia and Herzegovina arrested Radovan Stanković, who had escaped from prison in Foča in May 2007, where he was serving a 20-year sentence. Stanković was the first indictee of the Tribunal to be transferred to Bosnia and Herzegovina pursuant to rule 11 bis. Stanković's apprehension is a positive development for the victims of the grave crimes he committed and the Office of the Prosecutor commends the authorities of Bosnia and Herzegovina for the arrest. At the same time, the Office encourages the authorities to take all necessary measures to reinforce prison security to ensure that a similar incident cannot occur in the future.

(c) Follow-up on investigative materials transferred by the Office of the Prosecutor to Bosnia and Herzegovina

57. The Office of the Prosecutor is concerned about continuing delays in processing cases based on investigative materials transferred by the Office to Bosnia

and Herzegovina (category 2 cases). Out of the 13 files transferred by the Office (involving 38 suspects), only four have been finalized and nine are still at the investigative phase. The last indictment issued by the Prosecutor's Office of Bosnia and Herzegovina in relation to a category 2 case was in 2008.

58. During meetings with the Prosecutor in Sarajevo in May 2012, the Special Department for War Crimes committed itself to completing investigations on the category 2 cases by the end of the year. The Office of the Prosecutor encourages the Department to expeditiously investigate and prosecute cases based on investigation files transferred by the Office. The same applies to finalizing investigations in respect of material transferred by the Office to Bosnia and Herzegovina in connection with charges documented in Office cases but which did not form part of the Tribunal's indictments, as referred to in previous completion strategy reports.

4. Cooperation between other States and organizations and the Office of the Prosecutor

59. Support from States outside the former Yugoslavia, as well as from international organizations, remains integral to the successful completion of cases before the Tribunal. Assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including the relocation of witnesses.

60. The Office of the Prosecutor acknowledges the support it received during the reporting period from United Nations Member States and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe, the Council of Europe and non-governmental organizations, including those active in the former Yugoslavia.

61. The international community has an important role to play in providing incentives for States in the region of the former Yugoslavia to cooperate with the Tribunal. The long-awaited arrests of Mladić and Hadžić last year underlined the potential of conditionality policies — for example linking European Union membership to full cooperation with the Tribunal — to promote positive outcomes for international justice. Such policies will remain an important tool to secure cooperation with the Tribunal for the remaining trials and appeals.

IV. Transition from the Tribunal to national war crimes prosecutions

62. As the Tribunal moves further towards the completion of its mandate, building the capacity of national authorities in the region of the former Yugoslavia to effectively prosecute the remaining war crimes cases takes on increasing importance. Accountability for crimes committed during the conflicts in the former Yugoslavia depends as much on the success of national prosecutions as it does on the effective completion of the Tribunal's last cases. Providing support for national prosecutions is an important component of the remaining work of the Office of the Prosecutor to be taken over at a later stage by the Branch of the International Residual Mechanism for Criminal Tribunals for the International Tribunal for the Former Yugoslavia.

63. While some progress has been made on national prosecutions, substantial concerns remain, particularly in Bosnia and Herzegovina, which has the largest volume of cases to process.

A. Delay in processing cases in Bosnia and Herzegovina

64. In the current reporting period, once again there has been slow progress with war crimes prosecutions in Bosnia and Herzegovina. A large backlog of cases remains and implementation of the National War Crimes Strategy is still facing considerable delays. According to data provided by the Bosnia and Herzegovina State Court, there are currently 1,265 war crimes files to be processed in Bosnia and Herzegovina. The majority of them (705) are being handled at the State level while the others are being handled at the entity level.

65. The absence of an efficient and effective process for transferring war crimes cases between State and entity judicial institutions has contributed to the delays. Although the Office of the Prosecutor is pleased to note improvements in the first part of the current reporting period that unblocked the transfer of some cases by the State Court, the Office hopes to see these improvements extended. The Office recommends the continuation of work to develop uniform and appropriate criteria for the transfer of cases between judicial institutions in Bosnia and Herzegovina and to ensure that the State Court retains the most complex cases. The Office of the Prosecutor also hopes to see strategies for ensuring that the proposed closure of the State Court's Registrar's Office at the end of 2012 does not negatively affect essential court services, such as witness support and translation.

66. Increased resources, including additional prosecutors assigned to war crimes cases, are needed at both the State and entity levels. Continued efforts are also needed to strengthen the capacity of entity-level courts to provide for witness protection and to otherwise ensure that these courts have the capacity to handle the war crimes cases transferred to them.

67. The Office of the Prosecutor notes that the European Union has included implementation of the National War Crimes Strategy in Bosnia and Herzegovina as part of the structured dialogue within the framework of the Stabilization and Association Agreement for European enlargement. This is a positive development and, as the structured dialogue gains momentum, the Office of the Prosecutor hopes that faster progress in the implementation of the National War Crimes Strategy will be observed.

68. The Office of the Prosecutor notes with continued concern the persistent attempts to undermine the effective functioning of the judiciary in Bosnia and Herzegovina, particularly the State Court and State Prosecutor's Office of Bosnia and Herzegovina. It is imperative that political leaders support measures to strengthen the judiciary, the judicial institutions and the effective implementation of the National War Crimes Strategy.

69. Another issue arising out of the conflict in Bosnia and Herzegovina that requires attention is the many thousands of individuals who are still listed as missing. To address this and related issues, Bosnia and Herzegovina established a Missing Persons Institute. The Office of the Prosecutor urges all relevant authorities in Bosnia and Herzegovina to support the Institute's work and to resolve the issue of

missing persons in a manner consistent with the best interests of the affected family members.

B. Cooperation between States of the former Yugoslavia on war crimes investigations and prosecutions

70. To address impunity in the region, cooperation between the States of the former Yugoslavia, in particular between Bosnia and Herzegovina, Serbia and Croatia, in war crimes prosecutions remains critical. Through establishing good working relationships with national prosecution authorities, the Office of the Prosecutor continues to support regional cooperation. However, it remains concerned about long-standing deficiencies in this area, which undermine efforts to consolidate the rule of law. Many war crimes suspects continue to evade prosecution because of flaws in the legal framework for cooperation between these States.

71. Judicial institutions in the former Yugoslavia still face crippling challenges in coordinating their activities. Legal barriers to the extradition of suspects and the transfer of evidence across State borders continue to obstruct effective investigations. In addition, the problem of parallel investigations by prosecutors in different States has not been resolved.

72. The Office of the Prosecutor notes with concern that the proposed Protocol between the Prosecutor's Offices of Bosnia and Herzegovina and Serbia on the exchange of evidence and information in war crimes cases has still not been signed. The Protocol, which was initially scheduled for signature in July 2011, would address problems such as parallel investigations between the two countries. During his meetings in Sarajevo in May 2012, the Prosecutor received no satisfactory explanation for the delay in signing this Protocol. The Protocol has been agreed by prosecution authorities in Serbia and Bosnia and Herzegovina and political support should now be given to conclude the agreement.

73. With regard to Croatia, in the Prosecutor's previous completion strategy report to the Security Council, concern was expressed about a proposed law declaring some legal acts of the former Socialist Federal Republic of Yugoslavia, former Yugoslav People's Army and Republic of Serbia null and void. This law would serve to annul indictments alleging war crimes against citizens of Croatia. The law was proposed by the previous Government and is currently being reviewed by the Croatian constitutional court.

74. While regional prosecutors acknowledge deficiencies and express a commitment to improving inter-State cooperation, urgent action is needed at the political and judicial level to generate fundamental change.

C. Support of the Office of the Prosecutor for national war crimes prosecutions

75. The Office of the Prosecutor has continued to intensify its efforts to help countries in the region of the former Yugoslavia to successfully handle their many remaining war crimes cases. The Office's transition team under the Prosecutor's direction plays a vital role in guiding efforts to provide information and expertise to facilitate domestic war crimes cases.

1. Access to information in Office of the Prosecutor databases and in Tribunal case records

76. During this reporting period, the Office of the Prosecutor continued to provide information to assist national jurisdictions in prosecuting war crimes. The volume of requests has increased from the previous reporting period. From 15 November 2011 to 18 May 2012, the Office received 125 new incoming requests for assistance, as compared with 89 in the previous period. Of the 125 new requests, 92 were submitted by national judicial authorities in the former Yugoslavia. The majority (56) of these requests came from Bosnia and Herzegovina (with all but two coming from State-level judicial authorities), 15 from Croatia, 20 from Serbia, and one from Montenegro. Some of the requests were extensive and hundreds of pages of material were disclosed in response. Liaison prosecutors from the region who are working with the Office of the Prosecutor played a key role in facilitating responses to these requests. The number of requests from prosecution authorities and law enforcement agencies in other States was 33.

77. During the same period, the Office of the Prosecutor responded to a total of 84 pending requests for assistance (some of these concerned requests received in the previous reporting period). Of these responses, 57 concerned requests from the judicial authorities in the former Yugoslavia. The majority of responses were sent to Bosnia and Herzegovina (47), three were sent to Croatia and seven to Serbia. The remaining 27 responses were sent to judicial authorities and law enforcement agencies in other States.

78. Judicial authorities in the former Yugoslavia also continued to utilize procedures established under the Tribunal's Rules of Procedure and Evidence to access confidential evidence from Tribunal cases where appropriate. In this regard, the Office of the Prosecutor responded to seven rule 75 (H) applications from judicial authorities in the region.

2. Transfers of expertise

79. Through its partnerships with prosecutors and courts in the region, the Office of the Prosecutor continues to effectively transfer expertise and to strengthen the capacity of national criminal justice systems in the former Yugoslavia to deal with war crimes cases.

80. The joint European Union and Tribunal "liaison prosecutors" project — whereby three liaison prosecutors from the region (one from Bosnia and Herzegovina, one from Croatia and one from Serbia) work with the Office of the Prosecutor in The Hague — remains a central componen of the Office's expertise transfer strategy. Liaison prosecutors continue to work within the Office of the Prosecutor pursuant to the third funding extension granted by the European Union Commission in August 2011. The liaison prosecutors have access to designated databases of the Office, as well as instruction on the search methodologies used within the Office. They also consult with in-house experts on relevant issues, serve as contact points for other regional prosecutors, and facilitate requests for assistance generated by the trial teams of the Office of the Prosecutor.

81. The joint European Union and Tribunal project continues to invest in the education and training of young legal professionals from the former Yugoslavia who have a special interest in war crimes cases. In February 2012 a new group of

10 young legal professionals from Bosnia and Herzegovina, Croatia, Serbia and Montenegro replaced a group of nine from Bosnia-Herzegovina, Croatia, Serbia and Kosovo who completed their six-month placement. The new group continues to assist with the casework of the Office of the Prosecutor, and attend lectures and presentations on topics related to the work of the Office and the Tribunal more generally.

82. Staff members of the Office of the Prosecutor who have worked with the legal professionals from the region as part of the project have highly commended their contributions. The participants display a high level of professionalism and dedication as well as the capacity to learn rapidly and to make the most of the opportunities provided to them within the Office of the Prosecutor. The positive feedback given by Office staff members confirms the value of the project in building the future capacity of the countries in the former Yugoslavia to effectively deal with complex war crimes cases.

83. The Office of the Prosecutor continues to support other training programmes for regional prosecutors and law students by making staff members available to participate as expert trainers. During this reporting period, representatives of the Office participated in six regional conferences and lectures, sharing information, expertise, best practices and insights into the legacy of the Tribunal. While the Office of the Prosecutor supports regional initiatives to develop expertise, even greater benefits could be realized with more coordination between training initiatives, thereby reducing overlap.

V. Downsizing and preparing for the International Residual Mechanism

A. Downsizing posts in the Office of the Prosecutor upon the completion of trial activities

84. The Office of the Prosecutor continues to downsize posts with the completion of trial activities. During this reporting period, the Office downsized five Professional posts and four General Service posts. In addition to this and consistent with its budget submission, the Office of the Prosecutor is on track to downsize six trial teams whose cases will be completed by the end of 2012. This will involve downsizing 52 Professional posts and 24 General Service posts.

85. The Office of the Prosecutor actively supports measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. Staff members have become highly specialized in international criminal investigations and prosecutions but are faced with few opportunities to work in this field. Transitioning to new positions or careers can therefore be complex. In this reporting period, the Prosecutor met with United Nations officials and other officials working in related fields to canvass future employment opportunities for Office staff members. The Office of the Prosecutor also continues to support the ongoing initiatives to assist staff through this transition, such as career counselling and training opportunities.

B. Preparations for the Residual Mechanism

86. The Office of the Prosecutor continues to work collaboratively with officials of the Tribunal's Registry to prepare for the commencement of the International Residual Mechanism for Criminal Tribunals. The Office has also maintained its cooperative dialogue with colleagues in the Office of the Prosecutor of the International Criminal Tribunal for Rwanda to ensure an effective and consistent approach to Residual Mechanism matters. Representatives of the Office of the Prosecutor travelled to Arusha in April 2012 to discuss Residual Mechanism issues such as recruitment, implementation of the completion strategies of the two Tribunals, archiving matters and ensuring the smooth transition of appeal cases to the Residual Mechanism. The Office of the Prosecutor has provided support to its colleagues at the International Criminal Tribunal for Rwanda in preparing materials concerning recruitment to the Residual Mechanism, which will also serve to promote a uniform approach to staffing matters between prosecution offices in both branches of the Residual Mechanism.

87. In the coming period, the Office of the Prosecutor will further intensify its focus on Residual Mechanism matters to ensure that the Branch of the Residual Mechanism for the International Tribunal for the Former Yugoslavia is ready to commence on 1 July 2013.

VI. Conclusion

88. The steadfast efforts of the Office of the Prosecutor towards completion of its mandate are producing visible results. The commencement of trial proceedings against Ratko Mladić on 16 May 2012 is an important reminder of the achievements of the Tribunal over the past 19 years. Early in the next reporting period, the Office of the Prosecutor will complete all of its trial activities, except for the *Karadžić*, *Mladić* and *Hadžić* cases. The efforts of the Office will increasingly turn towards ensuring the efficient handling of appellate activities and preparing for the Branch of the Residual Mechanism.

89. Day-to-day cooperation between the Office of the Prosecutor and States of the former Yugoslavia is positive. By arresting Radovan Stanković, who escaped from prison in Foča in 2007, the authorities of Bosnia and Herzegovina provided welcome, albeit belated, confirmation of their commitment to accountability for wartime atrocities. In the next reporting period, the Office of the Prosecutor hopes to see much greater progress in Serbia's investigation and prosecution of the individuals who supported fugitives from the Tribunal, including Mladić and Hadžić, while at large. Other priority areas include implementation of the National War Crimes Strategy in Bosnia and Herzegovina and strengthening regional cooperation on war crimes matters. Present shortcomings can be overcome only by committing additional resources and securing political support from all sides.

90. The successful completion of the Tribunal's mandate depends on a successful transition to national war crimes prosecutions in the former Yugoslavia. While the Tribunal has commenced the process of holding accountable those most responsible, thousands of serious crimes remain to be addressed. The experience of the Tribunal confirms that international criminal prosecutions must be supplemented by complementary national proceedings. In the coming months, the Office of the Prosecutor will continue to prioritize the transfer of information and expertise to national prosecution authorities to assist them with the important work that lies ahead.

Enclosures

[Original: English and French]

Enclosure I

Name	*Former title*	*Initial appearance*	*Judgement*
A. Persons convicted or acquitted, 16 November 2011 to 22 May 2012			
None			
B. Persons convicted or acquitted of contempt, 16 November 2011 to 22 May 2012			
Dragomir Pećanac	Witness in *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2	10 October 2011	9 December 2011 Sentenced to three months of imprisonment
Jelena Rašić IT-98-32/1-R77.2	Member of the Milan Lukić defence team	22 September 2010	7 February 2012 Sentenced to 12 months of imprisonment
Milan Tupajić	Witness in *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18	16 December 2011	24 February 2012 Sentenced to two months of imprisonment

Enclosure II

A. Persons on trial, 16 November 2011 to 22 May 2012

Name	*Former title*	*Initial appearance*	*Start of trial*
Jadranko Prlić	President, Croatian Community of Herceg-Bosna	6 April 2004	"Herceg-Bosna" trial commenced on 26 April 2006
Bruno Stojić	Head of Department of Defence, Croatian Republic of Herceg-Bosna		
Slobodan Praljak	Assistant Minister of Defence, Croatian Republic of Herceg-Bosna		
Milivoj Petković	Deputy Overall Commander, Croatian Defence Council		
Valentin Ćorić	Chief of Military Police Administration, Croatian Defence Council		
Berislav Pušić	Military Police Commanding Officer, Croatian Defence Council		
Vojislav Šešelj	President, Serbian Radical Party	26 February 2003	Trial commenced on 7 November 2007
Mićo Stanišić	Minister, Internal Affairs, Republika Srpska	17 March 2005	Trial commenced on 14 September 2009
Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre, Banja Luka	21 June 2008	
Jovica Stanišić	Head, State Security Services, Republic of Serbia	12 June 2003	Trial commenced on 9 June 2009
Franko Simatović	Commander, Special Operations Unit, State Security Services, Republic of Serbia	2 June 2003	
Radovan Karadžić	President, Republika Srpska	31 July 2008	Trial commenced on 26 October 2009
Zdravko Tolimir	Assistant Commander for Intelligence and Security, Main Staff, Bosnian Serb Army	4 June 2007	Trial commenced on 26 February 2010
Ramush Haradinaj	Commander of the Kosovo Liberation Army in the Dukagjin area	14 March 2005	Partial retrial commenced on 18 August 2011
Idriz Balaj	Commander of the Kosovo Liberation Army Black Eagles Special Unit		
Lahi Brahimaj	Deputy Commander of the Kosovo Liberation Army Dukagjin Operative Staff		
Ratko Mladić	Commander of the Main Staff of the Bosnian Serb Army	3 June 2011	Trial commenced on 16 May 2012

B. Persons accused and awaiting trial, 16 November 2011 to 22 May 2012

Name	*Former title*	*Date of indictment*	*Initial appearance*
Goran Hadžić	President, Serbian Autonomous District, Slavonia Baranja and Western Srem	4 June 2004	25 July 2011

Enclosure III

A. Arrivals, 16 November 2011 to 22 May 2012

Name	*Former title*	*Date of indictment*	*Initial appearance*
None			

B. Remaining fugitives

Name	*Former title*	*Place of crime*	*Date of indictment*
None			

Enclosure IV

Appeals completed from 15 November 2011[a]

(with date of filing and decision)

Interlocutory

International Tribunal for the Former Yugoslavia	
1. Prlić et al. IT-04-74-AR65.26	25/11/11-15/12/11
2. Ex parte	30/11/11-20/12/11
3. Prlić et al. IT-04-74-AR65.28 — Conf.	01/12/11-20/12/11
4. Ex parte	01/12/11-20/12/11
5. Ex parte	02/12/11-20/12/11
6. Haradinaj et al bis. IT-04-84bis — AR65.3	13/12/11-22/12/11
7. Haradinaj et al bis. IT-04-84bis — AR65.4	13/12/11-22/12/11
8. Prlić et al. IT-04-74-AR65.31	07/03/12-23/04/12
9. Prlić et al. IT-04-74-AR65.32	14/03/12-16/05/12
International Criminal Tribunal for Rwanda	
1. Ngirabatware ICTR-99-54-AR73C	21/09/11-20/02/12
2. Nzabonimana ICTR-98-44D-AR91	12/12/11-27/04/12

From judgement

International Criminal Tribunal for Rwanda	
1. Bagosora/Nsengiyumva — ICTR-98-41-A	13/03/09-14/12/11
2. Ntawukulilyayo ICTR-05-82-A	11/03/09-14/12/11
3. Ntabakuze ICTR-98-41A-A	11/03/09-08/05/12
4. Kanyarukiga — ICTR-02-78-A	09/12/10-08/05/12
5. Hategekimana — ICTR-00-55B-A	16/03/11-08/05/12
Other	
International Tribunal for the Former Yugoslavia	
1. D. Milošević — IT-98-29/1-A	27/09/11-10/02/12
2. Orić — IT-03-69-A	27/09/11-10/02/12
International Criminal Tribunal for Rwanda	
1. Uwinkindi ICTR-01-75-AR11bis	25/01/12-23/02/12
2. Uwinkindi ICTR-01-75-AR11bis	17/04/12-19/04/12
Referral	
International Criminal Tribunal for Rwanda	
1. Uwinkindi ICTR-01-75-AR11bis	13/07/11-16/12/11
Review	
International Tribunal for the Former Yugoslavia	
International Criminal Tribunal for Rwanda	
1. Niyitegeka ICTR-96-14-R	27/10/11-01/02/12
2. Ndindabahizi ICTR-01-71-R	31/01/11-02/02/12
3. Karera ICTR-01-74-R	15/08/11-26/03/12
Contempt	

[a] Total number of appeals completed from 15 November 2011: 24.

Interlocutory appeals: 11
Appeals from judgement: 5
Other: 4
Referral: 1
Review: 3
Contempt: 0

Enclosure V

Appeals pending as at 22 May 2012[a]

(with date of filing)

Interlocutory	
International Tribunal for the Former Yugoslavia	
1. Prlić et al. IT-04-74-AR65.33	15/03/12
2. Prlić et al. IT-04-74-AR65.34	15/03/12
3. Prlić et al. IT-04-74-AR65.35	21/03/12

From judgement	
International Tribunal for the Former Yugoslavia	
1. Šainović et al. IT-05-87-A	09/03/09
2. Lukić & Lukić IT-98-32/1-A	21/07/09
3. Popović et al. IT-05-88-A	18/06/10
4. Đorđević IT-05-87/1-A	04/03/11
5. Gotovina & Markač IT-06-90-A	16/05/11
6. Perišić IT-04-81-A	13/09/11
International Criminal Tribunal for Rwanda	
1. Gatete ICTR-00-61-A	03/05/11
2. Military II ICTR-00-56-A	20/07/11
3. Butare ICTR-98-42-A	01/09/11
4. Mugenzi & Mugiraneza ICTR-99-50-A	21/11/11
5. Ndahimana ICTR-01-68-A	17/02/12
6. Karemera & Ngirumpatse ICTR-98-44-A	05/03/12
Other appeals	
1. Nahimana ICTR-99-52B-R	30/03/12
Referral	
Review	
International Criminal Tribunal for Rwanda	
1. Kajelijeli ICTR-98-44A-R	15/06/11
2. Muvunyi ICTR-00-55A-R	21/03/12
Contempt	
International Tribunal for the Former Yugoslavia	
1. Šešelj IT-03-67-R77.3-A	14/11/11
2. Rašić IT-98-32/1-R77.2-A	12/03/12

[a] Total number of appeals pending as at 22 May 2012: 20.

Interlocutory appeals: 3
Appeals from judgement: 12
Other: 1
Referral: 0
Review: 2
Contempt: 2

Enclosure VI

Decisions and orders rendered from 15 November 2011[a]

(with date of disposition)

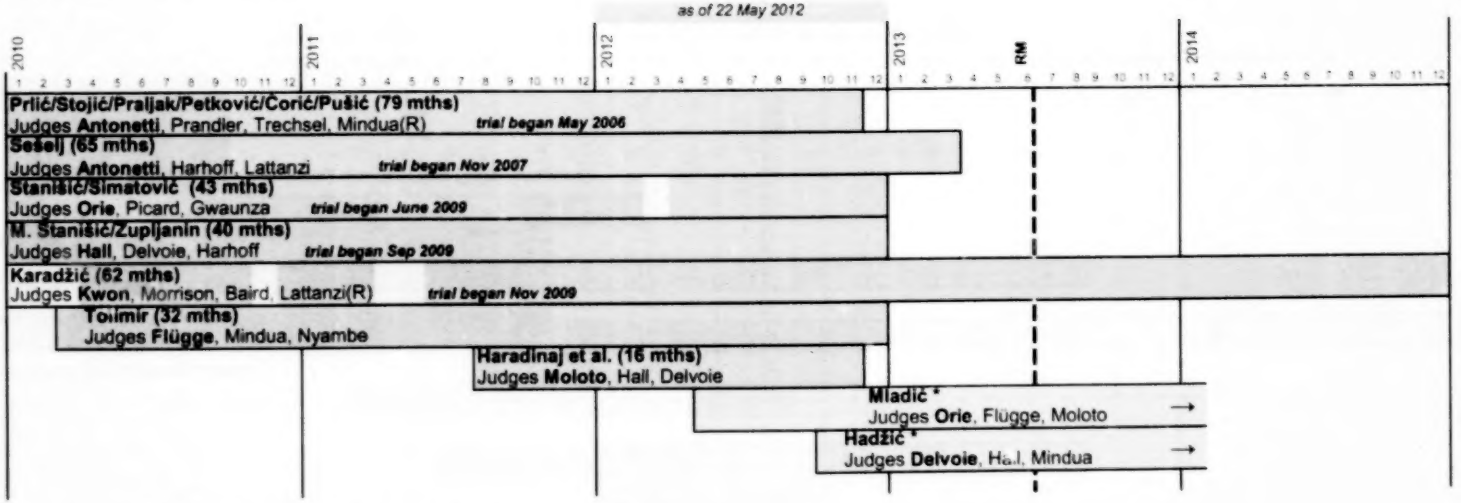
International Criminal Tribunal for Rwanda			*International Tribunal for the Former Yugoslavia*		
1.	17/11	*Hategekimana*	55.	15/11	*Gotovina & Markač — Conf.*
2.	17/11	*Butare*	56.	15/11	*Šešelj*
3.	18/11	*Kanyarukiga*	57.	16/11	*Gotovina & Markač — Conf.*
4.	21/11	*Butare*	58.	16/11	*Hartmann*
5.	22/11	*Ndindabahizi*	59.	17/11	*Gotovina & Markač — Conf.*
6.	22/11	*Karera*	60.	17/11	*Gotovina & Markač*
7.	28/11	*Hategekimana*	61.	22/11	*Lukić and Lukić — Conf.*
8.	30/11	*Military II*	62.	23/11	*Popović et al. — Conf.*
9.	30/11	*Military II*	63.	23/11	*Popović et al.*
10.	30/11	*Mugenzi & Mugiraneza*	64.	24/11	*Orić — Conf.*
11.	30/11	*Mugenzi & Mugiraneza*	65.	24/11	*Milošević — Conf.*
12.	07/12	*Hategekimana*	66.	24/11	*Perišić*
13.	08/12	*Hategekimana*	67.	28/11	*Prlić et al.*
14.	09/12	*Kanyarukiga*	68.	29/11	*Đorđević*
15.	16/12	*Nzabonimana*	69.	30/11	*Šainović et al.*
16.	10/01	*Karemera & Ngirumpatse*	70.	02/12	*Ex Parte*
17.	19/01	*Military II*	71.	02/12	*Prlić et al. — Conf.*
18.	20/01	*Military II*	72.	02/12	*Ex Parte*
19.	26/01	*Uwinkindi*	73.	05/12	*Ex Parte*
20.	26/01	*Mugenzi & Mugiraneza*	74.	05/12	*Lukić and Lukić*
21.	27/01	*Karemera & Ngirumpatse*	75.	12/12	*Lukić and Lukić — Conf.*
22.	27/01	*Karemera & Ngirumpatse*	76.	12/12	*Gotovina & Markač — Conf.*
23.	08/02	*Hategekimana*	77.	15/12	*Šainović et al. — Conf.*
24.	08/02	*Butare*	78.	15/12	*Prlić et al.*
25.	15/02	*Kajelijeli*	79.	16/12	*Rašić*
26.	20/02	*Hategekimana*	80.	20/12	*Prlić et al. — Conf.*
27.	20/02	*Butare*	81.	22/12	*Haradinaj et al.*
28.	22/02	*Butare*	82.	22/12	*Haradinaj et al.*
29.	22/02	*Ndahimana*	83.	03/01	*Popović et al.*
30.	23/02	*Karemera & Ngirumpatse*	84.	06/01	*Gotovina & Markač*
31.	23/02	*Ndahimana*	85.	09/01	*Popović et al.*
32.	28/02	*Ndahimana*	86.	11/01	*Popović et al.*
33.	29/02	*Ntabakuze*	87.	11/01	*Šešelj*
34.	01/03	*Butare*	88.	13/01	*Perišić — Conf.*
35.	02/03	*Hategekimana*	89.	17/01	*Popović et al. — Conf.*
36.	02/03	*Hategekimana*	90.	17/01	*Lukić and Lukić — Conf.*
37.	07/03	*Military II*	91.	17/01	*Rašić — Conf.*
38.	08/03	*Military II*	92.	20/01	*Đorđević — Conf.*
39.	08/03	*Karemera & Ngirumpatse*	93.	23/01	*Popović et al.*
40.	13/03	*Kanyarukiga*	94.	30/01	*Perišić*
41.	22/03	*Muvunyi*	95.	03/02	*Popović et al.*
42.	20/03	*Military II*	96.	06/02	*Perišić*
43.	22/03	*Military II*	97.	07/02	*Popović et al.*
44.	22/03	*Mugenzi & Mugiraneza*	98.	07/02	*Šešelj*
45.	27/03	*Ndahimana*	99.	08/02	*Gotovina & Markač*
46.	03/04	*Gatete*	100.	08/02	*Perišić — Conf.*
47.	16/04	*Mugenzi & Mugiraneza*	101.	10/02	*Gotovina & Markač — Conf.*
48.	25/04	*Mugenzi & Mugiraneza*	102.	14/02	*Gotovina & Markač*
49.	25/04	*Karemera & Ngirumpatse*	103.	15/02	*Perišić — Conf.*
50.	01/05	*Mugenzi & Mugiraneza*	104.	15/02	*Popović et al.*
51.	10/05	*Mugenzi & Mugiraneza*	105.	20/02	*Perišić — Conf.*
52.	17/05	*Military II*	106.	22/02	*Popović et al.*
53.	17/05	*Butare*	107.	02/03	*Popović et al.*
54.	21/05	*Karemera & Ngirumpatse*	108.	06/03	*Perišić*
			109.	06/03	*Šešelj — Conf.*

International Criminal Tribunal for Rwanda	*International Tribunal for the Former Yugoslavia*
	110. 06/03 – *Šešelj*
	111. 07/03 – *Perišić*
	112. 07/03 – *Prlić et al.*
	113. 07/03 – *Popović et al.*
	114. 07/03 – *Đorđević*
	115. 09/03 – *Šešelj*
	116. 09/03 – *Prlić et al.*
	117. 13/03 – *Prlić et al.*
	118. 14/03 – *Rašić*
	119. 15/03 – *Šešelj*
	120. 15/03 – *Prlić et al.*
	121. 16/03 – *Prlić et al.*
	122. 16/03 – *Prlić et al.*
	123. 15/03 – *Popović et al.*
	124. 20/03 – *Perišić* – *Conf.*
	125. 22/03 – *Prlić et al.*
	126. 27/03 – *Gotovina & Markač* – *Conf.*
	127. 28/03 – *Popović et al.*
	128. 29/03 – *Šainović et al.*
	129. 29/03 – *Đorđević*
	130. 29/03 – *Popović et al.* – *Conf.*
	131. 30/03 – *Šainović et al.*
	132. 03/04 – *Popović et al.* – *Conf.*
	133. 03/04 – *Gotovina & Markač*
	134 04/04 – *Perišić* – *Conf.*
	135. 04/04 – *Rašić*
	136. 05/04 – *Popović et al.*
	137. 10/04 – *Popović et al.*
	138. 17/04 – *Popović et al.* – *Conf.*
	139. 23/04 – *Prlić et al.*
	140. 23/04 – *Šešelj*
	141. 24/04 – *Gotovina & Markač*
	142. 01/05 – *Popović et al.* – *Conf.*
	143. 01/05 – *Gotovina & Markač* – *Conf.*
	144. 02/05 – *Popović et al.*
	145. 02/05 – *Lukić and Lukić*
	146. 04/05 – *Gotovina & Markač* – *Conf.*
	147. 07/05 – *Gotovina & Markač* – *Conf.*
	148. 09/05 – *Gotovina & Markač* – *Conf.*
	149. 09/05 – *Gotovina & Markač* – *Conf.*
	150. 10/05 – *Popović et al.*
	151. 11/05 – *Lukić and Lukić*
	152. 16/05 – *Perišić* – *Conf.*
	153. 20/05 – *Perišić* – *Conf.*
	154. 21/05 – *Gotovina & Markač*

[a] Total number of decisions and orders rendered: 154.

Enclosure VII

Trial schedule of the Tribunal



Contempt proceedings (indictment or order in lieu of indictment filed):

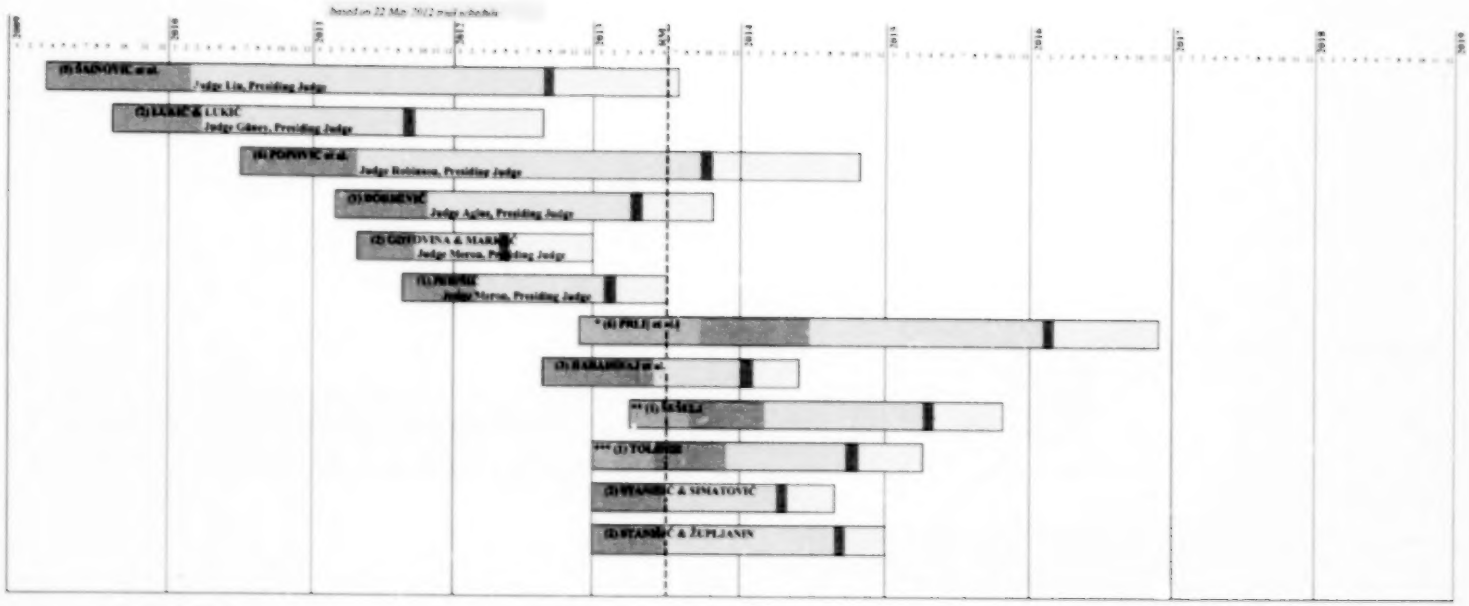
1. IT-03-67-R77.4 Vojislav Šešelj, order in lieu of indictment issued on 9 May 2011
   Judges Kwon, Hall, Morrison

Key: pre-trial
ongoing
adjournment
re-trial

* length to be determined/anticipated to exceed 2012-13 biennium

Enclosure VIII

Appeal schedule of the Tribunal



Contempt proceedings on appeal:

1. IT-03-67-R77.3-A Vojislav Seselj, notice of appeal filed on 13 Nov 2011
Judge Ramaroson (Presiding / Pre-Appeal Judge)

2. IT-06-SD1-R77.2-A Prosecutor, notice of appeal filed on 12 Mar 2011,
Jelena Rasic, notice of appeal filed on 19 Mar 2011
Judge Khan (Presiding / Pre-Appeal Judge)

Key:

Briefing
Preparatory Document
Hearing
Judgement Drafting
Translation

(including time for filing Notice of Appeal)

Extension due to TC Judgement translation (only for the self-represented accused who do not speak English and for French benches)

* *Prlić: TC Judgement into English, 10 months - solutions being implemented to reduce the total post-judgement translation period to a minimum*

** *[e/é/ć]: TC Judgement into BCS and English, 5 months*

*** *Tolimir: TC Judgement translation into BCS, 5 months*

Enclosure IX

Appeal schedule of the International Criminal Tribunal for Rwanda